15A NCAC 13B .0101 is proposed for readoption with substantive changes as follows:

SUBCHAPTER 13B - SOLID WASTE MANAGEMENT

SECTION .0100 - GENERAL PROVISIONS


15A NCAC 13B .0101 DEFINITIONS

The definitions in G.S. 130A-290 Article 9 of Chapter 130A of the General Statutes and the following definitions shall apply throughout this Subchapter:

1. “Aerated static pile composting” means the process in which decomposing organic material is placed in piles over an active aeration system that is used to supply oxygen and to control temperature for the purpose of producing compost.

2. "Agricultural Waste" means waste materials produced from the raising of plants and animals, including animal manures, bedding, plant stalks, hulls, and vegetable matter.

3. "Airport" means public-use airport open to the public without prior permission and without restrictions within the physical capacities of available facilities.

4. “Anaerobic digestion” means the biological process in which microorganisms break down biodegradable organic material in the absence of oxygen.

5. "Backyard Composting" means the on-site composting of yard waste and food residuals by the owner or tenant of a residential property. The waste material is generated only onsite, and the resulting compost is used only onsite or on the owner or tenant’s property, for non-commercial use.

6. “Backyard vermicomposting” means the on-site vermicomposting by the owner or tenant of a residential property using organic material from the residential property with the product produced used only onsite or on the owner or tenant’s property.

7. "Blood products" means all bulk blood and blood products.

8. "Cell" means compacted solid waste completely enveloped by a compacted cover material.

9. “Collection center” means a collection point for the temporary storage of solid waste for individual residential households who choose to transport solid waste generated on their own property to a facility owned or operated by a local government, rather than directly to a disposal facility permitted in accordance with the rules of this Subchapter. Collection centers are also known as “convenience centers” and “drop-off-centers,” and are not transfer facilities or transfer stations for the purpose of this Subchapter. A person, business, or local government facility that collects materials for the
purpose of recycling, and does not collect any solid waste for the purpose of disposal, is not a
collection center for the purpose of this Subchapter. A collection center shall be in accordance with
Rule .0208(a) of this Subchapter.

(9)(6) "Compost" means a decomposed, humus-like organic matter, produced in an aerobic composting
process that is designed and monitored to ensure that the product is free from pathogens, offensive
odors, toxins, or materials harmful at the point of end use. Compost is suitable for use as a
soil conditioner and may have with varying nutrient values.

(10)(7) "Compost facility" means a solid waste facility established in accordance with Section
.1400 of this Subchapter which utilizes a controlled biological process of degrading
non-hazardous solid waste. A facility may include:
(a) materials processing and hauling equipment;
(b) structures to control drainage; and
(c) structures to collect and treat leachate; and
(d) storage areas for the incoming waste, the final products, and residual materials.

(11)(8) "Composting" means the controlled biological decomposition of organic waste by naturally
occurring bacteria under an aerobic process that is designed and monitored to yield a stable,
humus-like, pathogen-free compost product resulting in volume reduction of 30–75 percent.

(12)(9) "Composting pad" means a surface, whether soil or manufactured, where the process of
composting takes place, and where raw and finished materials are stored.

(13) “Construction and demolition debris landfill” and “C&DLF” mean a sanitary landfill unit
established in accordance with Rules .0531 through .0546 of this Subchapter for the land disposal
of C&D solid waste.

(14)(10) "Curing" means a continuation of the composting process after the high heat stage during which
compost stability and maturity continue to increase. Curing occurs after completing the process to
further reduce pathogens and the requirements for vector attraction reduction.

(15) "C&D solid waste" means solid waste generated solely from the construction, remodeling, repair,
or demolition operations on pavement and buildings or structures. C&D solid waste may include
municipal and industrial wastes that are identical to materials generated from the construction,
remodeling, repair, or demolition operations on pavement and buildings or structures.

(16)(11) "Demolition landfill" means a sanitary landfill that was limited to receiving stumps, limbs, leaves,
concrete, brick, wood, uncontaminated earth or other solid wastes approved by the Division, which
either ceased operation or was converted to a LCIDLF, Land Clearing and Inert Debris Landfill
pursuant to Rule .0563.
(17) “Digestate” means the organic material produced during the anaerobic digestion process. The digestate is a wet mixture of solid and liquid that is rich in nutrients.

(18) "Division" means the Director of the Division of Waste Management or the Director's authorized representative.

(19) "Erosion control measure, structure, or device" means physical devices constructed, and management practices utilized, to control sedimentation and soil erosion such as silt fences, sediment basins, check dams, channels, swales, energy dissipation pads, seeding, mulching, and other similar items.

(20) "Explosive gas" means Methane (CH₄), a landfill gas that will propagate a flame in air at 25 degrees Celsius and atmospheric pressure, such as methane or hydrogen sulfide.

(21) "Floodplain" means the lowland and relatively flat areas adjoining inland and coastal waters, including flood-prone areas of offshore islands, which are inundated by the 100-year flood.

(22) "Foreign matter" means metals, glass, plastics, rubber, bones, and leather, but does not include sand, grit, rocks, or other similar materials.

(23) "Hazardous waste landfill facility" means any facility or any portion of a facility for disposal of hazardous waste on or in land in accordance with rules promulgated under this article.

(24) "Incineration" means the process of burning solid, semi-solid, or gaseous combustible wastes through a burning process designed to create an inoffensive waste gas emission that complies with 15A NCAC 02D and a waste residue containing little or no combustible material; but is not open burning.

(25) "Incinerator" means a device designed to dispose of solid, semi-solid, or gaseous combustible wastes by incineration.

(26) "Industrial process waste" means any solid, semi-solid, or liquid waste generated by a manufacturing or processing plant which is a result of the manufacturing or processing process. This definition does not include packaging materials associated with such activities.

(27) "Industrial solid waste" means the term as defined in G.S. 130A-290(a)(13b). Such waste may include waste resulting from electric power generation, water treatment, and manufacturing processes for the following:

(a) fertilizer/agricultural chemicals;
(b) food and related products or byproducts;
(c) inorganic chemicals;
(d) iron and steel;
(e) leather and leather products;
(f) nonferrous metals or foundries;
(g) organic chemicals;
(h) plastics and resins;
(i) pulp and paper;
(j) rubber and miscellaneous plastic products;
(k) stone, glass, clay, and concrete products;
(l) textiles; and
(m) transportation equipment.

This term does not include mining waste or oil and gas waste.

(28) "Industrial solid waste landfill" or "ISWLF" means a sanitary landfill unit established in accordance with Rules .0503 through .0505 of this Subchapter for the disposal of industrial solid waste, or for the exclusive disposal of scrap tires also known as a tire monofill facility for the land disposal of "industrial solid waste" as defined in Item (11) of Rule .1602 of this Subchapter, and is not a The term land application unit, surface impoundment, injection well, or waste pile, as defined under 40 CFR Part 257.

(29) "Inert debris waste" means inert debris that consists solely of asphalt, cured concrete, brick, concrete block, gravel, and rock. Inert debris waste shall not contain chemical adhesives or sealants, or lead-based paint.

(30) "In-vessel composting" or "within-vessel" means the process in which decomposing organic material is enclosed in a drum, silo, bin tunnel, or other container for the purpose of producing compost under aerobic conditions.

(31) "Land clearing and inert debris landfill" or "LCIDLF" means a landfill unit established in accordance with Rules .0563 through .0567 of this Subchapter for the disposal of yard waste and inert debris waste, facility for the land disposal of land clearing waste, concrete, brick, concrete block, uncontaminated soil, gravel and rock, untreated and unpainted wood, and yard trash.

(32) "Land clearing waste" means land-clearing debris that consists solely of solid waste which is generated solely from land clearing activities such as stumps, trees, limbs, brush, grass, and other naturally occurring vegetative material.

(33) "Landfill gas" means a gas or mixture of gases generated by the decomposition of solid waste in a landfill.

(34) "Leachate" means any liquid, including any suspended components in liquid, that has percolated through or drained from solid waste.

(35) "Licensed geologist" means the term as defined in G.S. 89E.
“Licensed professional engineer” means “professional engineer” as defined in G.S. 89C.

“Licensed professional land surveyor” means “professional land surveyor” as defined in G.S. 89C.

“Licensed soil scientist” means the term as defined in G.S. 89F.

"Lower explosive limit" means the lowest percent by volume of a mixture of explosive gases that which will propagate a flame in air at 25 degrees Celsius and atmospheric pressure.

"Microbiological waste" means and includes cultures and stocks of etiologic agents. The term includes cultures of specimens from medical, pathological, pharmaceutical, research, commercial, and industrial laboratories.

"Mulch" means a material generated from the chipping or grinding of naturally occurring wood waste such as tree stumps, limbs, and branches for the purpose of recycling the waste into a product for reuse. Mulch shall not contain engineered, treated, or manufactured wood waste such as creosote telephone poles or railroad ties; wooden pallets or skids; laminated wood including flooring; painted, stained, or oiled wood; plywood; or composite boards such as particle board, medium-density fiberboard (MDF), oriented strand board (OSB), or similar products manufactured by binding or fixing the strands, particles, fibers, veneers or boards of wood together to form a composite material. Mulch shall not be required to meet the same requirements as compost for pathogen reduction in Section .1400 of this Subchapter. a protective covering of various substances, substances especially organic, to which no plant food has been added and for which no plant food is claimed. Mulch is generally placed around plants to prevent erosion, compaction, evaporation of moisture, freezing of roots, and weed growth.

“Municipal solid waste landfill” and “MSWLF” mean a sanitary landfill unit established in accordance with Section .1600 of this Subchapter for the disposal of municipal solid waste.

"One-hundred year flood" means a flood that has a one percent or less chance of recurring in any year or a flood of a magnitude equaled or exceeded once in 100 years on the average over a significantly long period.

"Open burning" means the term as defined in 15A NCAC 02D .1902 any fire wherein the products of combustion are emitted directly into the outdoor atmosphere and are not directed thereto through a stack or chimney, incinerator, or other similar devices.

"Pathogens" means organisms that are capable of producing infection or diseases, often found in waste materials.

"Pathological waste" means and includes the following wastes that are removed during surgery and autopsies: human tissues, organs, body parts, secretions and excretions, and blood and body fluids, fluids, that are removed during surgery and autopsies, and It also includes the carcasses, body parts of all animals that were have been exposed to pathogens that are infectious to humans during in-research, were used in the production of biologicals or in the in vivo testing of
pharmaceuticals, or that died of a known or suspected infectious disease transmissible to humans.

(32) "Putrescible" means solid waste capable of being decomposed by microorganisms with sufficient rapidity as to cause nuisances from odors and gases, such as kitchen wastes, offal and carcasses.

(46) “Putrescible waste” and “Putrescent” means solid waste that is capable of or is generating odors and gases from the process of decomposition by microorganisms. Putrescible waste or solid waste that may become putrescent may include medical waste, kitchen and food waste, offal, and carcasses.

(33) "Radioactive waste material" means any waste containing radioactive material as defined in G.S. 104E-5(14).

(47)(34) "Regulated Medical Waste" medical waste” means blood and body fluids in individual containers in volumes greater than 20 milliliters, ml, microbiological waste, and pathological waste that have not been treated pursuant to Rule .1207 .1204 of this Subchapter.

(48)(35) "Residues from Agricultural Products and Processing" agricultural products and processing” means solids, semi-solids, or liquid residues from food and beverage processing and handling, silviculture, agriculture, handling; silviculture; agriculture; and aquaculture operations. The residues shall be that are non-toxic, non-hazardous, and shall contain no domestic wastewater.

(49)(36) "Respondent" means the person against whom an administrative penalty has been assessed.

(37) "Runoff" means the portion of precipitation that drains from an area as surface flow.

(50) “Sanitary landfill” means the term as defined in G.S. 130A-290(31). Landfills permitted in accordance with Rules .0503 through .0505 and .0510 of this Subchapter, Rules .0531 through .0546 of this Subchapter, and Section .1600 of this Subchapter are sanitary landfills. Land clearing and inert debris landfills are not sanitary landfills.

(51) “Seasonal high groundwater table” and “SHGT” means the highest level of the uppermost aquifer during a year with normal rainfall. SHGT may be determined in the field through identification of redoximorphic features in the soil profile, monitoring of the water table elevation, or modeling of predicted groundwater elevations.

(52)(38) "Sediment" means solid particulate matter both mineral and organic, that has been or is being transported by water, air, gravity, or ice from its site of origin.

(53) "Septage management facility" means land, personnel, and equipment used in the management of septage, including septage management firms as defined in G.S. 130A-290(a)(33), septage detention and treatment facilities, and septage land application sites established in accordance with Rules .0831 through .0846 of this Subchapter.

(54)(39) "Sharps" means and includes needles, syringes, and scalpel blades.

(55)(40) "Siltation" means sediment resulting from accelerated erosion which that is settleable or removable by properly designed, constructed, and maintained control measures and which has been transported from its point of origin within the site land-disturbing activity and which has been deposited, or is in suspension in water.
(56)(44) "Silviculture Waste" means waste materials produced from the care and cultivation of forest trees, including bark and woodchips.

(57) "Soil" means the unconsolidated mineral and organic material of the land surface. It consists of a mixture of organic matter and of sand, silt, and clay minerals.

(42) "Soil Group I" means soil group I as defined in 15A NCAC 13B .0807(a)(1)(A) of the Septage Management Rules.

(58)(43) "Soil Scientist" means a person who is a licensed soil scientist as defined in G.S. 89F, or an individual who is a North Carolina Licensed Soil Scientist, a Certified Professional Soil Scientist or Soil Specialist by the American Registry of Certified Professionals Professional in Agronomy, Crops, and Soils, or a person that demonstrates or a person with equivalent experience or education.

(59)(44) "Solid waste collector" means any person who collects or transports solid waste by whatever means, methods such as including but not limited to, highway, rail, and navigable waterway.

(60)(45) "Solid waste generator" means any person who produces solid waste.

(61)(46) "Spoiled food" means any food which that has been removed from sale by the United States Department of Agriculture, North Carolina Department of Agriculture, Food and Drug Administration, or any other regulatory agency having jurisdiction in determining that food is unfit for consumption.

(62) "Temporary debris storage and reduction site" mean parcels of land that are reviewed by the Division to be used to store and process waste generated from an incident that caused a declaration of a state of emergency or disaster in accordance with Chapter 166A, Article 1A, Part 4 of the General Statutes to assist with local and State recovery and compliance with the Robert T. Stafford Disaster Relief and Emergency Assistance Act, Public Law 93-288, as amended. These sites may also be established to store or process additional from a natural disaster such as a hurricane, tornado, severe storm, ice storm, or a 100-year flood event, even if no declaration of a state of emergency or disaster occurs. These sites shall be in accordance with Rule .0208(b) of this Subchapter.

(47) "Steam sterilization" means treatment by steam at high temperatures for sufficient time to render infectious waste non-infectious.

(63)(48) "Transfer facility" means a permanent structure with mechanical equipment established in accordance with Section 0400 of this Subchapter that is used for the collection, consolidation, or compaction of solid waste prior to the transportation of solid waste for final disposal.

(64)(49) "Treatment and processing facility" means a facility established in accordance with Section .0300 of this Subchapter for use in the treatment and processing of solid waste prior to the transportation of solid waste for final disposal or for utilization by reclaiming or recycling.

(65)(50) "Vector" means a carrier such as rodents, insects, and birds, usually an arthropod, that is capable of transmitting a pathogen from one organism to another.
“Vermicompost” means the product of the vermicomposting process that is a dark, fertile mixture of decomposed organic waste, bedding material, and granular castings.

“Vermicomposting” means the controlled and managed process by which live worms convert organic materials into vermicompost.

“Vermiculture” means raising of earthworms for the purpose of vermicomposting.

"Water supply watershed" means an area from which water drains to a point or impoundment, and the water is then used as a source for a public water supply.

"Water table" and “groundwater table” mean the upper limit of the portion of the ground wholly saturated with water.

"Windrow” “Windrow composting” means a process for compost production in which decomposing organic materials are placed in piles and are turned or agitated to assure all parts of the decomposing material meet the requirements of Section .1400 of this Subchapter for pathogen reduction and vector attraction reduction, an elongated compost pile (typically eight feet wide by ten feet high).

"Working face" means that portion of the land disposal site where solid wastes are discharged, spread, and compacted prior to the placement of cover material.

“Yard trash” means Solid waste resulting from landscaping and yard maintenance such as brush, grass, tree limbs, and similar vegetative material.

"Yard Waste" waste” means land-clearing waste and yard trash, "Yard Trash" and "Land-clearing Debris" as defined in G.S. 130A-290, including stumps, limbs, leaves, grass, and untreated wood.

History Note: Authority G.S. 130A-294;
Eff. April 1, 1982;
Amended Eff. August 1, 2008; October 1, 1995; January 4, 1993; December 1, 1991; February 1, 1991;
15A NCAC 13B .0102 is proposed for readoption with substantive changes as follows:

**15A NCAC 13B .0102 APPLICABILITY**

(a) The management of solid waste is subject to Chapter 130A Article 1 Part 2 and Article 9 of the General Statutes; and shall be subject to the rules of this Subchapter. The rules of this Subchapter shall not apply to the management of hazardous waste, with the exception of Rule .0103(h) of this Section.

(b) The rules of this Section are applicable to the general management of solid waste by all persons in the State unless exempted by Article 9 of Chapter 130A of the General Statutes or the rules of this Subchapter.

These solid waste management rules are for general application throughout the State of North Carolina unless otherwise specifically indicated by their context. Rules found in Section .0700 of this Subchapter apply to the Division's program for solid waste management and also to the Division's program for hazardous waste management. All other rules of this Subchapter apply to the Division's program for solid waste management but not to the Division's program for hazardous waste management. Other hazardous waste management program rules are found in 15A NCAC 13A. The official policy and purpose of the State of North Carolina in regard to solid waste control is set forth in Article 9 of Chapter 130A of the North Carolina General Statutes.

*History Note:* Authority G.S. 130A-294;

  Eff. April 1, 1982;
  Amended Eff. February 1, 1991; October 1, 1984.
15A NCAC 13B .0103 is proposed for readoption with substantive changes as follows:

**15A NCAC 13B .0103 GENERAL CONDITIONS REQUIREMENTS**

(a) All solid waste shall be stored, collected, transported, separated, processed, recycled, recovered, and disposed of in a manner consistent with the requirements of these Rules. The Division of Solid Waste Management is responsible for the enforcement of these Rules. The rules of this Subchapter. The Division of Solid Waste Management is responsible for the enforcement of these Rules. The rules of this Subchapter.

(b) No solid waste containing radioactive waste material as defined in G.S. 104E-5 shall be collected and transported, stored, treated, processed, disposed of, or reclaimed, except as specifically authorized by a radioactive material license issued by the Department of Health and Human Services, Division of Health Service Regulation, Radiation Protection Section. Radiation Protection, DEHNR.

(c) Solid waste shall be disposed of at a solid waste disposal site in accordance with Article 9 of Chapter 130A of the General Statutes and the rules of this Subchapter. The disposal of solid waste shall be in accordance with the hierarchy of methods of managing solid waste in G.S. 130A-309.04(a)(1) through (6). the Solid Waste Management Act and the Federal Act. Hazardous waste, lead acid batteries, liquid waste, including used oil, regulated medical waste, and any other wastes that may pose a threat to the environment or the public health, as determined by the Division, are prohibited from disposal at a solid waste disposal site.

(d) In addition to the requirements of G.S. 130A-309.10, hazardous waste, liquid waste, and regulated medical waste are prohibited from disposal at a solid waste disposal site. The Division may prohibit a waste stream of a particular type from or from a particular source from being accepted at solid waste management facilities or disposed of at a solid waste disposal site if the Division determines that the waste stream contains an emerging contaminant or pathogen that may pose a risk to the environment or public health through the management or disposal of such waste at a particular solid waste management facility. If the Division prohibits such a waste stream, the Division shall notify all affected facilities in writing and shall post a notice on the Division’s Solid Waste Section website at https://deq.nc.gov/about/divisions/waste-management/solid-waste-section no less than 48 hours prior to the effective date of the prohibition. The notice shall contain the type or source of the prohibited waste stream, the reason for the prohibition, the effective date of the prohibition, and the ending date of the prohibition or a statement that the prohibition shall be in effect until the Division removes the prohibition.

(d) The Division has developed a "Procedure and Criteria for Waste Determination" which is used to determine whether a waste is:

1. hazardous as defined by 15A NCAC 13A, and
2. suitable for disposal at a solid waste management facility. Information required for evaluation includes the identity of the generator, identity of the waste and how it was generated, and laboratory results indicating the chemical constituency of the waste. Copies of "Procedure and Criteria for Waste Determination" may be obtained from and inspected at the Division, P.O. Box 27687, Raleigh, N.C. 27611-7687. The waste determination procedure shall be used for:

(A) Waste which is generated outside the population and geographic area which the solid waste management facility is permitted to serve under .0504(1)(g).
(B) Waste from a transfer facility other than a facility permitted under these Rules.

(C) Waste generated by a new generator inside the population and geographic area which the Solid Waste Management Facility is permitted to serve if the components of the waste cannot be readily determined otherwise.

(D) Waste generated through a change in industrial process by an existing generator, provided the components of the waste cannot be readily determined otherwise.

(E) A load of waste which a sanitary landfill operator suspects may contain materials which the facility is not permitted to receive.

(F) Requests by a generator interested in transporting waste to an identified solid waste management facility for treatment and processing, transfer or disposal.

(G) All sludges except sludge from water treatment plants.

(H) Other wastes deemed appropriate by the Division for testing before transporting to a solid waste management facility.

(e) No person shall dispose or cause the disposal of solid waste in or on waters in a manner that results in solid waste's entering waters or being deposited upon lands of the State.

(f) Solid waste disposal sites including sanitary landfills, land clearing and inert debris landfills, and incinerators shall comply with the same requirements as “new solid waste disposal facilities” provided in G.S. 143-215.54 in accordance with the applicability and effective dates of S.L. 2000-150. White Goods shall not be disposed of at a solid waste disposal site after January 1, 1991.

(g) By July 1, 1991, all solid waste management facilities owned and operated by or on behalf of a local government, except facilities which will receive no waste after July 1, 1992, shall install scales and shall weigh all solid waste when it is received at the facility.

(h) By July 1, 1991, each local government operating a permitted solid waste management facility shall initiate a solid waste recycling program which shall be designed to achieve the goal of recycling at least 25 percent of the municipal solid waste stream by January 1, 1993, prior to final disposal or incineration at a solid waste disposal facility.

(i) After January 1, 1998, all active sanitary landfills (except land clearing and inert debris landfills) shall be equipped with liners, leachate collection systems and final cover systems as required in Sections .0500 and .1600 of this Subchapter.

(h) When the Division assesses an administrative penalty for violations of Article 9 of Chapter 130A of the General Statutes and the rules adopted thereunder, the penalty shall be assessed in accordance with G.S. 130A-22 and the following assessment procedures:

(1) For all violations for which a penalty is assessed, a notice of the assessment shall be sent to the respondent by US Postal Service registered or certified mail, or hand-delivered. The notice shall describe the nature of the violation, state the amount of the penalty and the costs assessed in accordance with G.S. 130A-22(j) (“investigative costs”), state when the penalty and investigative costs are due, state that each day of a continuing violation will constitute a separate violation, and advise the respondent of the right to appeal in accordance with G.S. 150B.
(2) After the notice has been issued, the respondent may request to settle the penalty assessment and
violations through informal procedures as set forth in G.S. 150B-22(a). The Division may reduce
the amount of the assessed penalty as a part of a settlement agreement resulting from the informal
procedure process.

(3) The assessed penalty and the investigative costs shall be due and payable within 60 days of receipt
of the notice issued in accordance with Subparagraph (1) of this Paragraph.

(4) The assessment of a penalty does not prevent the Division from also suspending or revoking a permit
in accordance with G.S. 130A-23.

History Note: Filed as a Temporary Amendment Eff. October 28, 1988, for a Period of 180 Days to Expire on
April 26, 1989;
Authority G.S. 130A-294;
Eff. April 1, 1982;
Amended Eff. October 1, 1995; January 4, 1993; February 1, 1991; September 1, 1990;
Filed as a Temporary Amendment Eff. October 28, 1988, for a Period of 180 Days to Expire on
April 26, 1989;
15A NCAC 13B .0104 is proposed for readoption with substantive changes as follows:

15A NCAC 13B .0104   SOLID WASTE STORAGE

(a) The owner or occupant of any property, unless except that exempted from the rules of this Subchapter in accordance with G.S. 130A-294(b), as specified in Rule .0103(c) of this Subchapter shall be responsible for the sanitary storage of all solid waste accumulated on the property.

(b) Unless another type of container is required by the unit of local government, garbage shall be stored in either durable, rust-resistant, non-absorbent, water-tight, rodent proof, and easily cleanable containers with a close-fitting cover that is impervious to flies, close fitting, fly-tight cover, when applicable, or other types of containers acceptable to the local governing agency and conforming to the intent of this Section.

(c) Refuse shall be stored in durable containers that are consistent with the requirements of the unit of local government, containers or as otherwise provided in this Section. Where garbage is stored in combination with refuse, containers shall meet the requirements for garbage containers.

(d) Hazardous waste shall be stored as prescribed in the applicable state or federal rules.

(e) All containers for the storage of solid waste shall be maintained in such a manner as to prevent the creation of a nuisance or insanitary conditions. Containers that are broken or otherwise fail to meet this Rule shall be replaced with acceptable containers. Refuse too large or otherwise not suitable for storage in containers shall be stored in a nuisance free manner consistent with requirements with the unit of local government.

(f) All solid waste shall be stored in such a manner using safe and sanitary practices for the preservation of the public health and welfare and the environment that prevents the generation of leachate, the attraction of vectors, the release of odors, and the release of waste or leachate to the environment as to prevent the creation of a nuisance, insanitary conditions, or a potential public health hazard.

History Note: Authority G.S. 130A-294;
Eff. April 1, 1982;
Amended Eff. February 1, 1988;
Readopted Eff January 1, 2021.
15A NCAC 13B .0105 is proposed for readoption as follows:

15A NCAC 13B .0105  COLLECTION AND TRANSPORTATION OF SOLID WASTE

(a) The solid waste collector shall be responsible for the collection and transportation of all solid waste to a solid waste management facility as defined in G.S. 130A-290 that is permitted by the Division.

(b) The solid waste collector shall transport to a site or facility only those solid wastes that are allowed by the site or facility permit.

(c) Vehicles or containers used for the collection of solid waste, and transportation by whatever means, including highway, rail, and navigable waterway, shall be constructed, operated, and maintained to be leak resistant in order to prevent the creation of a nuisance to public health from the escape of solid, semi-solid, or liquid waste. In order to meet the requirement to be leak resistant, the owner or and/or operator of the vehicle or container shall adhere to the following standards:

(1) All surfaces that come in contact with waste shall be smooth and non-absorbent.

(2) All drain holes and valves shall be closed, plugged, or sealed.

(3) The vehicle or container shall be equipped with seals, gaskets, or other devices pursuant to manufacturer specifications in order to prevent the escape of liquids. Such seals, gaskets, and other devices shall be maintained and replaced pursuant to manufacturer specifications.

(4) The vehicle or container body, waste holding area, and hopper, if so equipped, shall be free of holes, cracks, rusting, corrosion, or other evidence of damage or weakness that may allow the escape of solid, semi-solid, or liquid waste.

(5) The waste holding area, including the hopper and around the packer blade, if so equipped, shall be clean clear of debris to prevent vectors or the accumulation of litter.

(6) The vehicle or container shall be loaded, transported, operated, and maintained to prevent the escape of solid, semi-solid, or liquid waste to the environment.

(7) The vehicle or container shall be serviced, repaired, and cleaned to maintain sanitary conditions, to preserve the integrity of the door seal, to prevent the accumulation of mechanical fluids, dirt, leachate, and fluid waste particulates on the vehicle's exterior, and to prevent contamination of the environment by fluids.

History Note: Authority G.S. 130A-294(b); S.L. 2013-413;
Eff. April 1, 1982;
Amended Eff. March 16, 2017; February 1, 1988-1988;
15A NCAC 13B .0106 is proposed for readoption with substantive changes as follows:

15A NCAC 13B .0106 GENERATOR OF SOLID WASTE

(a) Unless exempted from the rules of this Subchapter in accordance with G.S. 130A-294(b), a solid waste generator shall be responsible for storing, collecting, and disposing of solid waste in accordance with the rules of this Subchapter.

(b) Unless exempted from the rules of this Subchapter in accordance with G.S. 130A-294(b), the solid waste generator shall ensure that his or her waste is disposed of at a site or facility that is permitted by the Division to receive the waste—such waste in accordance with the rules of this Subchapter.

History Note: Authority G.S. 130A-294;
Eff. January 1, 1985;
15A NCAC 13B .0201 is proposed for readoption with substantive changes as follows:

SECTION .0200 - PERMITS FOR SOLID WASTE MANAGEMENT FACILITIES

15A NCAC 13B .0201 PERMIT REQUIRED

(a) No person shall treat, process, store, or dispose of solid waste or arrange for the treatment, processing, storage, or disposal of solid waste except at a solid waste management facility permitted by the Division for such activity, except as provided in G.S. 130A-294(b).

(b) No person shall cause, suffer, allow, or permit the treatment, storage, or processing, or disposal of solid waste upon any real or personal property owned, operated, leased, or in any way controlled by that person without first having been issued obtaining a permit for a solid waste management facility from the Division authorizing such activity, except as provided in G.S. 130A-294(b).

(c) No solid waste management facility shall be established, operated, maintained, constructed, expanded, or modified without a currently valid permit issued by the Division for the specified type of disposal activity. It is the responsibility of every owner and operator of a proposed solid waste management facility to apply for a permit for the facility. The term "owner" shall include record owners of the land where the facility is located or proposed to be located and holders of any leasehold interest, however denominated, in any part of the land or structures where the facility is located or proposed to be located.

(d) The solid waste management facility permit, except for permits authorizing land clearing and inert debris permits, landfills, septage management facilities, or compost facilities, shall have two parts, as follows:

(1) A permit approval to construct a solid waste management facility or portion of a facility shall be issued by the Division after site and construction plans have been approved by the Division and it has been determined that the facility can be operated in accordance with Article 9 of Chapter 130A and the applicable rules set forth in this Subchapter, and other applicable state, state, federal, and local laws. An applicant shall not clear or grade land or commence construction for a solid waste management facility or a portion thereof until a permit approval to construct has been issued.

(2) A permit approval to operate a solid waste management facility shall not be issued unless it has been determined that the facility has been constructed in accordance with the construction plans, that any pre-operation conditions of the permit to construct have been met, and that the permit has been recorded, if applicable, in accordance with Rule .0204 of this Section, G.S. 130A-301.

(e) Land clearing and inert debris facilities, landfills, septage management facilities, and compost facilities may be issued a combined permit that includes approval to construct and operate the facility.

(f) Land clearing and inert debris facilities subject to Rule .0563(1) of this Subchapter may construct and operate after notification as provided for under Rule .0563(2) of this Subchapter.

(f)(g) All solid waste management facilities shall be operated in conformity with these Rules, the rules of this Subchapter and shall utilize safe and sanitary practices for the preservation of the public health and welfare and the environment by preventing the generation of leachate, the attraction of vectors, the release of odors, and the release of
waste or leachate to the environment; not create a nuisance, or an unsanitary condition, or a potential public health hazard.

(g) Disposal area boundaries for landfills permitted in accordance with Sections .0500 or .1600 of this Subchapter shall be delineated with permanent markers on the ground. The markers shall be of adequate height and spacing so that they are distinguishable from the surrounding landscape, and so that the adjacent markers are visible when standing at a marker.

(h) The owner or operator shall notify the Department within 30 days of a significant change in accordance with G.S. 130A-295.2(g). The owner or operator shall submit an application to amend a permit for a change in ownership or corporate structure of a permitted solid waste management facility. If the facility is required to establish financial assurance pursuant to Section .1800 of this Subchapter, then the facility shall not be released from the requirement to establish financial assurance until the Division has issued a permit to the new owner.

(i) Permits issued by the Division are subject to review by the Division. The Division shall provide written notice to a facility no less than 180 days prior to an unscheduled review.

(j) Solid waste management facilities permitted by the Division in accordance with this Subchapter are subject to Article 1 Part 2 and Article 9 of Chapter 130A of the General Statutes, 15A NCAC 02C, 02L, 04, and the surface water quality standards in 15A NCAC 02B. [Note this list is not comprehensive, and is provided for information only.]

History Note: Authority G.S. 130A-294; S.L. 2015-286, s.4.9;
Eff. April 1, 1982;
Amended Eff. January 4, 1993; February 1, 1991; March 1, 1988;
Temporary Amendment Eff. May 19, 1993 to expire on October 9, 1993 or until the permanent rule becomes effective, whichever is sooner;
Temporary Amendment Expired Eff. October 9, 1993;
Amended Eff. September 1, 2016; August 1, 2008;
15A NCAC 13B .0202 is proposed for readoption as follows:

15A NCAC 13B .0202 PERMIT APPLICATION
(a) Applications for permits required by Rule .0201 of this Section shall be submitted to the Department of Environment, Health, and Natural Resources, Environmental Quality, Division of Solid Waste Management, Solid Waste Section, Post Office Box 27687, 1646 Mail Service Center, Raleigh, North Carolina 27699-1646. Permit applications shall contain the following information:

(1) Site and construction plans;
(2) An approval letter from the unit of local government having zoning authority over the area where the facility is to be located stating that the proposed facility meets all of the requirements of the local zoning ordinance, or that the site is not zoned;
(3) Detailed plans and specifications for solid waste management facilities shall be prepared and certified by a licensed professional engineer if required by G.S. 89C, except for land clearing and inert debris landfills subject to Rule .0563(1) of this Subchapter. The plans shall bear an imprint of the registration seal of the engineer and geological studies shall be certified by the seal of a licensed professional geologist, in accordance with N.C.G.S. Chapter 89E; and
(4) Any other information pertinent to the proposed facility, if it is necessary to determine compliance with the requirements of this Subchapter.

(b) Specific information for a permit application is found in Sections .0300 through .0500 of this Subchapter.

(c) All applications for a permit approval to construct as set forth in Rule .0201(d)(1) of this Section shall also include documentation necessary to determine compliance with G.S. 130A-295.2 and G.S. 130A-295.3, such as the following:

(1) cost estimates for financial assurance if the facility is subject to Section .1800 of this Subchapter;
(2) documentation that the Division may request to determine compliance with the requirements for financial qualifications in accordance with G.S. 130A-295.2(d), if any;
(3) the environmental compliance history for the applicant as defined in G.S. 130A-295.3(a); and
(4) if the applicant is a business entity, an organizational chart showing the structure of the applicant as defined in G.S. 130A-295.3(a)(i) through (iii).

(d) All applications for a permit approval to operate as set forth in Rule .0201(d)(2) of this Section shall also include documentation necessary to determine compliance with G.S. 130A-295.2 and G.S. 130A-295.3, such as the following:

(1) updated cost estimates for financial assurance if the facility is subject to Section .1800 of this Subchapter;
(2) the executed financial assurance mechanism if the facility is subject to Section .1800 of this Subchapter;
(3) an updated environmental compliance history for the applicant as defined in G.S. 130A-295.3(a); and
(4) if the applicant is a business entity, an updated organizational chart showing the structure of the
applicant as defined in G.S. 130A-295.3(a)(i) through (iii).

(e) When a permit applicant submits a complete application for a permit to the Division prior to the expiration date
of the existing permit for the facility, including the payment of an annual fee and permit application fee if required by
G.S. 130A-291.1 or 130A-295.8, the existing permit shall not expire until a decision on the permit application is made
by the Division.

History Note: Authority G.S. 130A-294;
Eff. April 1, 1982;
15A NCAC 13B .0203 is proposed for readoption as follows:

**PERMIT APPROVAL OR DENIAL**

(a) Upon receipt of a permit application, the Division shall review the request to assure that all provisions of these Rules, the Solid Waste Management Act, and the Federal Resource Conservation and Recovery Act, as amended, will be met. The Division shall review permit applications in accordance with the timelines established in G.S. 130A-295.8(e). Based on its review, the Division shall either approve or deny the request in writing.

(b) When an application is approved, the applicant shall be provided a permit. If the approval is contingent upon certain conditions being met by the applicant, such as a final construction inspection or obtaining a local government franchise approval, such conditions shall be noted on the permit.

(c) Before receiving solid waste at a newly permitted facility, an inspection shall be made by a representative of the Division to assure that the site is prepared in accordance with the permit, and the permit shall be recorded in accordance with G.S. 130A-301 with the Register of Deeds in the county where the facility is located in accordance with the recordation requirements set out in 15A NCAC 13B .0204.

(d) By receiving solid waste at a permitted facility, the permittee shall be considered to have accepted the conditions of the permit and shall comply with the conditions of the permit.

(e) When the Division denies a permit for a solid waste management facility, it shall state in writing the reason for such denial and shall also state its estimate of the changes in the applicant's proposed activities or plans which will be required for in order that the applicant may to obtain a permit. A denial shall be without prejudice to the submission of a future application for a permit after revisions are made to meet objections specified as reasons for denial. The Division shall deny a permit as set forth in G.S.130A-294(a)(4)(c), or for the following reasons:

- Submission of incomplete information;
- Failure to meet the requirements of this Subchapter;
- Failure to meet any applicable requirement set forth in Article 9 of Chapter 130A of the N.C. General Statutes; or
- Any other reasons which would prevent the solid waste management facility or site from being operated in the future in accordance with Article 9, Chapter 130A of the General Statutes, these Rules, the requirements of this Subchapter, the Federal Resource Conservation and Recovery Act, as amended, or G.S. 89C or 89E, or acceptable engineering or public health and environmental standards.

(f) Appeals of permit decisions shall be in accordance with Article 3, Chapter 150B of the General Statutes of N.C.G.S., Chapter 150B, and the Rules adopted thereunder.

(g) The Division may suspend or revoke a permit in accordance with G.S. 130A-23. If the Division revokes or suspends a permit, the Division shall notify the owner or operator in writing of the reasons for the permit action.

**History Note:** Authority G.S. 130A-294;
Eff. April 1, 1982;

Amended Eff. August 1, 2008; February 1, 1991; August 1, 1988; February 1, 1988.

15A NCAC 13B .0204 is proposed for readoption as a repeal as follows:

15A NCAC 13B .0204  RECORDATION OF LAND DISPOSAL PERMITS

(a) Whenever the Division approves a permit for a sanitary landfill or a facility for the disposal of hazardous waste on land, the owner of the facility shall be granted both an original permit and a copy certified by the secretary or his authorized representative. The permit shall include a legal description of the site that would be sufficient as a description in an instrument of conveyance.

(b) The owner of a facility granted a permit for a sanitary landfill or a facility for the disposal of hazardous waste on land shall file the certified copy of the permit in the register of deeds’ office in the county or counties in which the land is located.

(c) The register of deeds shall record the certified copy and index it in the grantor index under the name of the owner of the land.

(d) The permit shall not be effective unless the certified copy is filed as required under Paragraph (b) of this Rule.

(e) When any sanitary landfill or a facility for the disposal of hazardous waste on land is sold, leased, conveyed or transferred in any manner, the deed or other instrument of transfer shall contain in the description section in no smaller type than that used in the body of the deed or instrument a statement that the property has been used as a sanitary landfill or a disposal site for hazardous waste and a reference by book and page to the recordation of the permit.

History Note: Authority G.S. 130A-294;

Eff. April 1, 1982.1982;

15A NCAC 13B .0207 is proposed for readoption as follows:

15A NCAC 13B .0207 LIFE-OF-SITE PERMIT ISSUED FOR A SANITARY LANDFILL OR TRANSFER STATION

(a) A transfer station permit issued in accordance with Section .0400 of this Subchapter, or a new or existing sanitary landfill permit issued in accordance with Section .0500 of this Subchapter for industrial solid waste landfill facilities or construction and demolition landfill facilities or Section .1600 of this Subchapter for municipal solid waste landfill facilities or transfer station permit shall be subject to Section .0400, .0500, or .1600 of this Subchapter and shall be for the life-of-site as defined in G.S. 130A-294(a2).

(b) A life-of-site permit application for a new sanitary landfill for the life-of-site shall contain design, construction, site development, and operation plans. Site development plans shall state the duration of the life-of-site in the site development or facility plan prepared in accordance with Section .0500 or .1600 of this Subchapter; and shall show the phases or progression of operation in periods of no less than five years and no greater than the life-of-site of the site as contained in the facility plan. The life-of-site of a sanitary landfill shall be specified in the facility plan prepared in accordance with Section .0500 or .1600 of this Subchapter.

(c) A sanitary landfill that has an existing permit issued by the Division as of prior to July 1, 2016 shall be approved for a life-of-site permit for the life-of-site within 90 days of submittal of the following updated permit information:

1. a specification of the duration of the life-of-site stated quantified in the site development or facility plan;
2. landfill capacity in years, projected for the life-of-site, life of the site;
3. average monthly disposal rates and estimated variances; and
4. a copy of the local government franchise agreement or approving resolution for the life-of-site, life of the site.

(d) Each phase within a life-of-site permit for sanitary landfills shall be designed and constructed in accordance with Sections .0500 or .1600 of this Subchapter. Site development plans shall show the phases or progression of construction and operation in periods of no less than five years and no greater than the life-of-site of the site as contained stated in the site development or facility plan.

(e) A life-of-site permit application for a new transfer station for the life-of-site shall conform to the requirements of Section .0400 of this Subchapter, Subchapter and shall contain a site plan for the life-of-site. A specification of the life-of-site of a transfer station shall be quantified. The duration of the life-of-site shall be stated in the site plan prepared in accordance with Section .0400 of this Subchapter, Subchapter. The site plan shall be for the life-of-site.

(f) A transfer station that has an existing permit as of issued by the Division prior to July 1, 2016 shall be approved for a life-of-site permit upon submittal of a written request for approval of a permit for the life-of-site for the transfer station. The duration of the life-of-site shall be stated in the request that shall include a specification of the quantified life-of-site.

History Note: Authority G.S. 130A-294; S.L. 2015-286, c. 4,9.

15A NCAC 13B .0208 is proposed for adoption as follows:

15A NCAC 13B .0208  PERMIT EXEMPTIONS

(a) A collection center shall not be required to obtain a permit from the Division for the construction or operation of these facilities if the facility operations comply with Article 9 Chapter 130A of the General Statutes, the rules of this Subchapter, and the following conditions:

1. This Rule does not exempt collection centers and their operations from any other applicable local, State, or federal permitting and operational requirements, if such requirements exist.

2. Collection centers shall not receive solid waste generated from non-residential activities or by commercial waste collection services. Facilities that receive such waste shall comply with the requirements for transfer stations in accordance with Section .0400 of this Subchapter.

3. Solid waste received at collection centers shall be stored in accordance with Rule .0104 of this Subchapter. Garbage shall not be stored at the collection center for more than seven days between the time of collection and the time of disposal at a solid waste management facility permitted in accordance with the rules of this Subchapter to accept such waste. Refuse shall not be stored at the collection center more than 90 days between the time of collection and the time of removal to a solid waste management facility permitted in accordance with the rules of this Subchapter to accept such waste.

4. Source-separated recyclables such as paper, plastic, and electronics that would commonly be collected by a local curbside recycling collection program but are instead being collected at the collection center for the purpose of recycling are not subject to the requirements of Subparagraph (2) of this Rule, and shall be managed in accordance with G.S. 130A-309.05(c).

5. The following items shall not be accepted at collection centers for the purposes of disposal:

   (A) construction, demolition, or industrial wastes from commercial or industrial sources;
   (B) burning or smoldering waste;
   (C) asbestos-containing materials, unless it is generated by an individual property owner and is packaged and handled to prevent the material from being friable;
   (D) radioactive waste;
   (E) hazardous waste;
   (F) regulated medical waste;
   (G) animal carcasses;
   (H) liquid waste unless it is in containers similar in size to containers found in household waste; and
   (I) items banned from landfill disposal pursuant to GS 130A-309.10.

6. Owners and operators of collection centers shall allow the Division to enter the collection center property to inspect any facilities, equipment, practices, or operations to determine compliance with Article 9 Chapter 130A of the General Statutes or the rules of this Subchapter.
(b) A temporary debris storage and reduction site (site) shall not be required to obtain a permit from the Division for
the temporary operation of these sites for solid waste management after a disaster event if the operations comply with
Article 9 Chapter 130A of the General Statutes, the rules of this Subchapter, and the following conditions:

(1) The landowner or operator of the site shall submit notification of the proposed site to the Division
on a site evaluation form that shall include the following:
(A) site name, address, city, county, parcel identification number, and latitude and longitude in
decimal degrees, driving directions to the site, and acreage of the site;
(B) a description of the responsible parties for the site and their affiliation to the site;
(C) primary operator contact name, telephone number, and e-mail address;
(D) local government contact name, telephone number, and e-mail address;
(E) landowner name, address, telephone number, and e-mail address;
(F) waste types proposed to be accepted;
(G) proposed site operations and procedures for waste acceptance, handling, reduction, and
removal;
(H) proposed destination of waste or materials removed from the site; and
(I) an aerial photograph indicating the proposed waste handling areas at the site and the buffer
areas required in accordance with this Rule.
[Note: the site evaluation form may be found on the Division’s website at:
https://deq.nc.gov/about/divisions/waste-management/waste-management-permit-guidance/solid-
 waar-section/disaster-debris]

(2) Unless a site is located at a solid waste management facility that has been permitted by the Division
in accordance with the rules of this Subchapter, or that has submitted notification to the Division in
accordance with Rule .1402(g)(1)(A) of this Subchapter, sites shall be owned or operated by one of
the following:
(A) a county government as defined in G.S. 153A-10;
(B) a city government as defined in G.S. 160A-1;
(C) a State or federal agency or institution;
(D) a State or federally-recognized Indian tribe; or
(E) a third-party entity under contract with one of the entities in Parts (A) through (D) of this
Paragaph with authorization of the landowner.

(3) A site shall meet the following siting requirements for the acceptance, storage, and processing of
yard waste and demolition debris:
(A) Waste storage, processing, and handling areas shall be located no less than 100 feet from
property boundaries, on-site structures, residences, private or public wells, septic tank
systems, and surface waters,
(B) Waste storage, processing, and handling areas for demolition debris shall be located no less
than 250 feet from potable wells.
(C) Grinding operations shall be located no less than 300 feet from residence and business properties and publicly owned roads and properties, unless the Division states a reduced buffer in the conditional approval letter because the type of grinding equipment or procedures proposed to be utilized will reduce the impacted area.

(D) A site shall not be located in wetlands as delineated by the U.S. Fish and Wildlife Service (FWS) National Wetlands Inventory Wetlands Mapper, which can be accessed from the U.S. FWS website at https://www.fws.gov/wetlands/index.html.

(E) A site shall not be located in the floodway as defined in 44 CFR 9.4, which can be accessed free of charge at https://www.ecfr.gov.

(F) A site shall not be located in the 100-year floodplain as delineated by the NC Flood Risk Information System (FRIS) unless exempted from this requirement by the Division in the letter of conditional site approval. When making the determination to exempt a site, the Division shall consider the availability of other potential locations for a that are not in the 100-year floodplain, the need for additional sites following an emergency or major disaster, the amount and types of waste proposed to be stored at the site, and the proposed waste handling activities at the site. The NC FRIS mapping tool can be accessed from the NC Floodplain Mapping Program website at https://fris.nc.gov/fris/?ST=NC.

(G) A site shall not damage or destroy a property of archaeological or historical significance that has been listed on the National Register of Historic Places or included on the Study List for the Register pursuant to 07 NCAC 04R .0206 and .0300, respectively. The Division or the site operator shall obtain a site-specific survey from the State's Historic Preservation Office (SHPO) in the Department of Natural and Cultural Resources, and the Division shall include the site-specific survey response on SHPO letterhead with the letter of site pre-approval obtained in accordance with Subparagraph (8) of this Paragraph.

(H) The location, access, size, and operation of the site shall not have an adverse impact on any component included in the State Nature and Historic Preserve pursuant to G.S. 143-260.10. The Division or the site operator shall obtain a site-specific survey from the Natural Heritage Program (NHP) in the Department of Natural and Cultural Resources, and the Division shall include the site-specific survey response on NHP letterhead with the letter of site pre-approval obtained in accordance with Subparagraph (8) of this Paragraph.

(I) A site shall not jeopardize the continued existence of endangered or threatened species or result in the destruction or adverse modification of a critical habitat protected under the Federal Endangered Species Act of 1973, Public Law 93-205, as amended. The Division or the site operator shall obtain a site-specific survey from the Natural Heritage Program (NHP) in the Department of Natural and Cultural Resources, and the Division shall include the site-specific survey response on NHP letterhead with the letter of site pre-approval obtained in accordance with Subparagraph (8) of this Paragraph.
(J) The site shall comply with 15A NCAC 04 for sedimentation and erosion control.

The Division may amend the buffer requirements of Parts (A) through (C) of this Subparagraph if it is necessary for the preservation of the public health and the environment, or if additional waste handling areas are necessary to expedite recovery from a disaster or emergency.

(4) A site shall accept only waste generated by a disaster event for storage, segregation, processing, and reduction. A site shall not be used for solid waste management at any time other than following a disaster event. For the purposes of this Rule, “disaster event” means one of the following:

(A) a natural or man-made event that causes a declaration of a state of emergency or disaster in accordance with Chapter 166A, Article 1A, Part 4 of the General Statutes;

(B) a hurricane, tornado, severe storm, ice storm, or a 100-year flood event.

(5) A site shall not accept any waste other than yard waste and demolition debris, except that it may accept household hazardous waste, white goods, or electronics under the following conditions:

(A) the solid waste management facility that accepted the household hazardous waste, white goods, or electronics prior to the disaster event is not able to accept these wastes after the disaster event;

(B) the site operator shall submit to the Division a plan for the handling and removal of household hazardous waste, white goods, and electronics in writing prior to accepting these wastes after a disaster event;

(C) the household hazardous waste, white goods, and electronics shall be stored in containers that comply with Rules .0104 and .0105 of this Subchapter; and

(D) the household hazardous waste, white goods, and electronics shall be removed from the site within 30 days of receipt and managed in accordance with Article 9 of Chapter 130A of the general statutes and the rules of this Subchapter.

(6) A site shall comply with any local, State, and federal siting, permitting, and operational laws, rules, and ordinances, and with the requirements of the Federal Emergency Management Act.

(7) The open burning of solid waste is prohibited at a site unless approved by the Division of Air Quality or an EPA-delegated local air program prior to burning after a disaster event. The site shall comply with 15A NCAC 02D, and any additional siting buffers that may apply to burning activities. Ash generated by the burning of solid waste at a site shall be handled in the same manner as ash generated by a solid waste management facility in accordance with G.S. 130A-309.05(b).

(8) The site operator shall obtain a letter of site pre-approval from the Division stating that the Division has determined that the site meets the conditions of Subparagraphs (1) through (6) of this Paragraph, and providing the site identification number designated by the Division. The Division may provide additional conditions for site use in the letter of site pre-approval if it is necessary to comply with the requirements of this Subchapter, or to assist with local and State recovery and compliance with the Robert T. Stafford Disaster Relief and Emergency Assistance Act, Public Law 93-288, as
amended. The Division may revoke the letter of site pre-approval if the site no longer complies with
the requirements of this Rule.

(9) The site operator shall notify the Division verbally or in writing that the site is accepting waste
within 14 days of initial acceptance of waste after a disaster event.

(10) All solid waste shall be removed from the site for disposal, recycling, or reuse within 180 days of
initial waste acceptance after a disaster event or emergency, unless the owner or operator requests
an extension of time for waste removal in writing, and the Division grants the extension in writing.
In making the determination to grant the extension, the Division shall consider factors such as the
type of emergency or disaster and the effects on the part of the State in which it occurred, the amount
and types of waste stored at the site, the efforts taken by the owner or operator to remove the waste;
the compliance history of the owner or operator, and any extenuating circumstances that have caused
the delay provided by the owner or operator in the request.

(11) Yard waste that has been reduced or processed, such as chipped wood or mulch, and removed from
a site is not subject to regulation as a solid waste or the requirements of this Subchapter if it is
managed as a recovered material in accordance with G.S. 130A-309.05(c) by the person receiving
the material.

(12) Within 30 days of the removal of all solid waste, the site shall be graded to prevent ponding of
surface water, and vegetative groundcover shall be established.

History Note: Authority G.S. 130A-294;
15A NCAC 13B .0301 is proposed for readoption with substantive changes as follows:

SECTION .0300 – TREATMENT AND SOLID WASTE PROCESSING FACILITIES

Rules .0301 - .0302 of Title 15A Subchapter 13B of the North Carolina Administrative Code (T15A.13B .0301 - .0302); have been transferred and recodified from Rules .0301 - .0302 of Title 10 Subchapter 10G of the North Carolina Administrative Code (T10.10G .0301 - .0302), effective April 4, 1990.

15A NCAC 13B .0301 SITING AND APPLICATION REQUIREMENTS

This Rule contains the information required for a permit application for each treatment and processing facility. A minimum of three sets of the following information shall be required in each application:

(a) A treatment and processing facility (site) shall meet the following siting requirements:

1. Floodplain Restrictions: Any portions of the site property where storage or processing of solid waste occurs shall not be located in the 100-year floodplain.

2. Cultural Resources Restrictions: A site shall not damage or destroy a property of archaeological or historical significance that has been listed on the National Register of Historic Places or included on the Study List for the Register pursuant to 07 NCAC 04R .0206 and .0300.

3. State Nature and Historic Preserve Restrictions: The location, access, size, and operation of the site shall not have an adverse impact on any component included in the State Nature and Historic Preserve pursuant to G.S. 143-260.10.

4. Endangered and Threatened Species Restrictions: A site shall not jeopardize the continued existence of endangered or threatened species or result in the destruction or adverse modification of a critical habitat, protected under the Federal Endangered Species Act of 1973, Public Law 93-205, as amended.

5. Clean Water Act requirements: a site or its operations shall:
   (A) not cause a discharge of pollutants into waters of the United States, including wetlands, that violates any requirements of the Clean Water Act, including the National Pollutant Discharge Elimination System (NPDES) requirements pursuant to Section 402 of the Clean Water Act.
   (B) comply with Section 404 of the Clean Water Act.
   (C) not cause the discharge of a nonpoint source of pollution to waters of the United States, including wetlands, that violates any requirement of an area-wide or Statewide water quality management plan that has been approved under Section 208 or 319 of the Clean Water Act.

6. Buffer Requirements: Unless otherwise stated in the site permit or local zoning requires larger buffers, the waste handling, treatment, processing, and storage areas shall be:
   (A) no less than 100 feet from supply wells.
(B) no less than 100 feet from property lines;
(C) no less than 50 feet from waters of the State as defined in G.S. 143-212, or wetlands as defined in 40 CFR 232.2; and
(D) surrounded by an unused and cleared area of no less than 25 feet to allow access for fire or emergency response vehicles.

(b) A permit applicant shall submit to the Division one electronic copy of a permit application, and the application shall contain the plans described in Paragraphs (c) and (d) of this Rule.

(c) Site Plan. An application for a permit for a site shall contain a site plan that includes the following information:

(1) an aerial photograph, representative of existing conditions, at a scale of at least one inch equals 400 feet, showing the area within one quarter mile of the proposed site's boundaries with the following identified:
   (A) property lines of the entire property where the site will be located;
   (B) waste treatment, processing, and storage areas;
   (C) buffer areas and distances to wells, residences, wetlands and water bodies, and descriptions of any buffer requirements by local government zoning regulations;
   (D) existing land use and zoning;
   (E) location of all private residences, commercial and industrial buildings, public or private utilities, roads, and schools;
   (F) on-site easements;
   (G) location of potable wells and public water supplies;
   (H) historic sites described in Paragraph (a)(2) of this Rule;
   (I) state nature and historic preserves described in Paragraph (a)(3) of this Rule;
   (J) the existing topography and features of the site including general surface water drainage patterns and watersheds, 100-year floodplains, perennial and intermittent streams, rivers, and lakes; and
   (K) the classification of the surface water drainage from the site in accordance with 15A NCAC 02B.0300;

(2) a letter from the unit of government having zoning jurisdiction over the site that states that the proposed use is allowed within the existing zoning, if any; that any necessary zoning approval or permit has been obtained, and that states the local zoning buffers that apply to the site; and

(3) letters from both the State Historic Preservation Office and the Natural Heritage Program within the Department of Cultural and Natural Resources stating whether the proposed use of the property will impact the historic sites described in Paragraph (a)(2) of this Rule; State nature and historic preserves described in Paragraph (a)(3) of this Rule; or the endangered or threatened species described in Paragraph (a)(4) of this Rule located at the site.

(d) Operations Plan. An application for a permit for a site shall contain an operations plan that shall include a discussion of each of the following items:
(1) the type and quantity of wastes that will be accepted, the anticipated sources of the waste accepted, and the intended destination of recyclables and waste removed from the site;

(2) the procedures for receiving, screening, processing, handling, salvaging, storage, treating, and removal of waste and recovered materials, including the anticipated processing, treatment, and storage times;

(3) procedures for handling recyclables, wastes banned from landfill disposal in accordance with G.S. 130A-309.10(f), and special wastes as defined in G.S. 130A-290(a)(40);

(4) the solid waste treatment, processing, and storage areas, and the buffer areas required by Paragraph (a)(6) of this Rule;

(5) the hours of operation, staffing, parking for visitors and employees, and traffic routing;

(6) methods for vector control, dust and odor control, drainage and erosion control, fire prevention, and daily cleanup;

(7) record keeping procedures;

(8) planned compliance with the operational and closure requirements of Rule .0302 of this Section;

(9) for sites that will accept, process, or recycle construction and demolition wastes, a description of how the site will comply with 40 CFR Part 61(M), G.S. 130A-444 through 452, and the rules adopted thereunder;

(10) a contingency plan that shall address planned operations in the event of loss of power, loss of communications, storm surges, scale malfunctions, and scale software malfunctions; in the event that the disposal site, haul route, or transfer equipment is not available; or during conditions exceeding design parameters. The owner or operator of the site shall provide back-up equipment, and contact information to obtain the equipment, and plans to by-pass the site in case of equipment breakdown. The contingency plan shall be kept updated on-site and shall include site specific emergency procedures and contact information in case of emergencies;

(11) additional information for activities or features that the owner or operator may propose that are not otherwise described in this Paragraph, or that the Division may request if it is necessary to determine compliance with the rules of this Subchapter;

(12) in addition to the information required in this Paragraph, sites that are proposing to accept scrap tires shall also include the information required by Rule .1106(d) of this Subchapter in the operations plan, if it is not already required to be submitted by this Rule; and

(13) in addition to the information required in this Paragraph, sites that are proposing to accept medical waste shall also include the information required by Rule .1204(b)(4) of this Subchapter in the operations plan, if it is not already required to be submitted by this Rule.

(e) The Division shall review all permit applications in accordance with Rule .0203 of this Subchapter.

(f) Plans and documents submitted in the permit application in accordance with this Rule shall be incorporated into the permit when the permit is issued by the Division, and the site shall comply with the permit in accordance with Rule .0203(d) of this Subchapter.
(g) Permits issued by the Division for treatment and processing facilities are valid for five years; and are subject to the permit fees set forth in G.S. 130A-295.8.

(h) Modifications to the plans. The owner or operator may request to modify plans that were incorporated into the permit by the Division in accordance with Paragraph (f) of this Rule by submitting the request to the Division, including the modified plan and a demonstration showing how the proposed modifications comply with the rules of this Section. The Division shall respond to the request in writing within the timeline provided in G.S. 130A-295.8(e), and the response shall either approve or deny the request as submitted or request that additional information be submitted for the Division to consider the request. The Division’s approval shall be based on whether the modification complies with the rules of this Subchapter. If the Division approves the request as submitted or upon receiving the additional information requested, the Division’s written approval and the revised pages of the plan shall be added to the sites operating record. The owner or operator shall not implement the modification until the Division has issued an approval.

(i) Sites that received a permit from the Division prior to the readopted effective date of this Rule shall comply with the rules of this Section with the following exceptions:

   (A) buildings, structures, and waste handling areas constructed prior to the readopted effective date of this Rule shall not be required to comply with Paragraph (a) of this Rule for the footprint existing on the readopted effective date of this Rule, or any replacements or modifications within that existing footprint; and

   (B) if a building, structure, or waste handling area was constructed prior to the readopted effective date of this Rule, and is expanded beyond its existing footprint after the readopted effective date of this Rule, the footprint that was existing on the readopted effective date of this Rule shall not be required to comply with Paragraph (a) of this Rule, but the expansion areas shall comply with these requirements.

(j) Site buildings, structures, and waste handling areas that are exempt from the requirements of Paragraph (a) of this Rule shall continue to comply with the siting and buffer requirements stated in their permit issued prior to the readoption date of this Rule, if any.

   (1) Site and operation plans;

   (2) An approval letter from the unit of local government having zoning authority over the area where the facility is to be located, stating that the proposed facility meets all of the requirements of the local zoning ordinance, or that the site is not zoned; and

   (3) Any other information pertinent to the proposed facility.

History Note: Authority G.S. 130A-294;
Eff. April 1, 1982;
Amended Eff. February 1, 1991;
15A NCAC 13B .0302 is proposed for readoption with substantive changes as follows:

**15A NCAC 13B .0302 OPERATIONAL AND CLOSURE REQUIREMENTS**

(a) Any person who maintains or operates the owner or operator of a solid waste treatment and processing facility (site) shall maintain and operate the facility site in accordance the permit conditions and the plans incorporated into the permit in accordance with Rule .0301(f) of this Section, and with the following requirements: practices unless otherwise specified in the permit:

1. Operational plans shall be approved and followed as specified for the facility;
2. A facility site shall only accept wastes that it is permitted to receive;
3. Water that comes in contact with solid waste will leachate shall be contained on-site or properly treated prior to discharge from the site. A NPDES National Pollutant Discharge Elimination System (NPDES) permit may be required by the Department’s Division of Water Resources prior to discharge to surface waters;
4. Equipment for fire control shall be available;
5. Effective vector control measures shall be applied to control flies, rodents, and other insects or vermin;
6. Equipment shall be provided in the storage and charging areas and elsewhere as needed or as may be required in order to maintain the facility in a sanitary condition; and the owner or operator shall provide any equipment that is necessary to maintain the site using safe and sanitary practices for the preservation of the public health and welfare and the environment by preventing the generation of leachate, the attraction of vectors, the release of odors, and the release of waste or leachate to the environment;
7. Appropriate barrier methods such as fencing or diking shall be provided to confine material subject to be blown by the wind within the site area. At the conclusion of each day of operation, all windblown material resulting from the operation shall be collected and disposed of or containerized returned to the area by the owner or operator;
8. Sites that are permitted by the Division to accept scrap tires shall also comply with Section .1100 of this Subchapter;
9. Sites that are permitted by the Division to accept medical waste shall also comply with Section .1200 of this Subchapter;
10. Sites shall comply with 15A NCAC 02D, 02L, 04, and the surface water quality standards in 15A NCAC 02B;
11. The owner or operator shall submit to the Division upon request any information or records required to be kept under the conditions of the permit or the rules of this Section; and
12. The owner or operator shall only conduct the solid waste management activities that the site is permitted to conduct.

(b) When a site ceases the acceptance of waste, closure of the site shall comply with the following requirements:
(1) The owner or operator shall remove all waste from the site property and dispose of it at a facility permitted by the Division to receive such waste no less than 120 days after the date the site ceased the acceptance of waste.

(2) The owner or operator shall comply with the closure requirements specified in the permit issued by the Division.

(3) For a site that accepts medical waste, the owner or operator shall also meet the requirements of Section 1200 of this Subchapter.

(4) The owner or operator shall notify the Division in writing that the site has been closed in accordance with this Rule.

(5) The Division shall conduct an inspection to determine compliance with Subparagraphs (1) through (3) of this Paragraph.

(6) When a site has been closed in accordance with this Paragraph, the permit is terminated, and any future solid waste management at the site shall require a new permit.

History Note: Authority G.S. 130A-294;
Eff. April 1, 1982-1982;
15A NCAC 13B .0401 is proposed for readoption with substantive changes as follows:

**SECTION .0400 - TRANSFER STATIONS FACILITIES**

Rules .0401—.0402 of Title 15A Subchapter 13B of the North Carolina Administrative Code (T15A.13B .0401—.0402); have been transferred and recodified from Rules .0401—.0402 of Title 10 Subchapter 10G of the North Carolina Administrative Code (T10.10G .0401—.0402), effective April 4, 1990.

**15A NCAC 13B .0401 APPLICATION REQUIREMENTS PURPOSE AND APPLICABILITY**

This Rule contains the information required for a permit application for each transfer facility. A minimum of three sets of the following information shall be required in each application:

1. Site and operation plans;
2. An approval letter from the unit of local government having zoning authority over the area where the facility is to be located, stating that the proposed facility meets all the requirements of the local zoning ordinance, or that the site is not zoned; and
3. Any other information pertinent to the proposed facility.

(a) Owners or operators of transfer stations shall comply with applicable federal, State, and local laws, rules, regulations, and ordinances, and shall comply with the rules of this Section as follows:

1. Transfer stations that did not receive a permit to operate from the Division prior to the readopted effective date of this Rule shall comply with the rules of this Section.
2. Transfer stations that received a permit to operate from the Division prior to the readopted effective date of this Rule shall comply with the rules of this Section with the following exceptions:
   (A) buildings, structures, and waste handling areas constructed prior to the readopted effective date of this Rule shall not be required to comply with Rule .0403(a), (b)(1), or (b)(2) of this Section for the footprint existing on the readopted effective date of this Rule, or any replacements or modifications within that existing footprint; and
   (B) if a building, structure, or waste handling area was constructed prior to the readopted effective date of this Rule, and is expanded beyond its existing footprint after the readopted effective date of this Rule, the footprint that was existing on the readopted effective date of this Rule shall not be required to comply with Rule .0403(a), (b)(1), or (b)(2) of this Section, but the expansion areas shall comply with these requirements.

Transfer station buildings, structures, and waste handling areas that are exempt from the requirements of Rule .0403(a), (b)(1), and (b)(2) of this Section by this Subparagraph shall continue to comply with the comparable siting, buffer, and construction requirements stated in their permit issued prior to the readoption date of this Rule.
(b) Transition period: Transfer stations permitted by the Division prior to the readopted effective date of this Rule shall submit to the Division an assessment report demonstrating compliance with the following conditions and the rules of this Section by no later than six months from the readopted effective date of this Rule:

1. The assessment report shall include an assessment of the status of the building, access roads, parking, and leachate collection system of the current operations compared to the design of the site as stated in the site permit, the plans incorporated into the permit by Rule .0404(d) of this Section, and the rules of this Section. If required by G.S. 89C or G.S. 89E and not under the purview of another licensed profession, the assessment report shall be prepared by a licensed professional engineer or a licensed geologist.

2. The assessment report shall contain recommendations for any actions necessary to comply with the rules of this Section. The Division shall notify the owner or operator of the site in writing within 12 months of receipt of the report of the changes required to comply with the rules of this Section, if any.

3. The site shall complete the actions required to comply with the rules of this Section within three years of receipt of the Division’s notification of the required changes. The site may submit a request to extend this deadline to the Division in writing. The request shall include the reasons for the request and the anticipated date that the work will be completed. The Division shall approve an extension of the deadline in writing if the Division determines that the scope of work needed to comply with the rules of this Section cannot be completed in three years.

(c) Unless otherwise prohibited from accepting waste by local ordinance, transfer stations are not subject to service area restrictions if the receiving disposal site permit includes the origin of waste as identified by franchise or local government approval.

(d) Wastes entering the State via a transfer station are deemed out-of-state waste to the point of disposal, regardless of any further processing, recycling, or other reduction activity.

(e) The transportation of regulated medical waste shall not be subject to the rules of this Section, but shall comply with Section .1200 of this Subchapter. Transfer stations that receive or transport solid waste by rail, roadway, or water shall be subject to the rules of this Section.

History Note: Authority G.S. 130A-294;
Eff. April 1, 1982;
Amended Eff. February 1, 1991;
15A NCAC 13B .0402 is proposed for readoption with substantive changes as follows:

15A NCAC 13B .0402  OPERATIONAL REQUIREMENTS GENERAL REQUIREMENTS

Any person who maintains or operates a transfer facility shall maintain and operate the facility in conformance with the following practices unless otherwise specified in the permit:

1. Operational plans shall be approved and followed as specified for the facility;
2. A facility shall only accept those wastes which it is permitted to receive;
3. Water that comes into contact with solid waste will be contained on-site or properly treated prior to discharge from the site. An NPDES permit may be required prior to discharge to surface waters;
4. Equipment for fire control shall be available;
5. Effective vector control measures shall be applied to control flies, rodents, and other insects or vermin;
6. Equipment shall be provided in the storage and charging areas and elsewhere as needed or as may be required in order to maintain the facility in a sanitary condition; and
7. Appropriate method shall be provided to confine material subject to be blown by the wind within the area. At the conclusion of each day of operation, all windblown material resulting from the operation shall be collected and returned to the area by the owner or operator.

(a) The owner or operator of a transfer station (site) shall comply with the conditions of the permit issued by the Division. In the event of noncompliance with the permit, the owner or operator shall take all reasonable steps to prevent releases to the environment and shall carry out such measures as are reasonable to prevent adverse impacts to human health or the environment.

(b) The owner or operator shall submit to the Division upon request any information or records required to be kept under the conditions of the permit or the rules of this Section.

(c) In an enforcement action, necessity to halt or reduce the permitted activity to maintain compliance with the conditions of the permit shall not be a defense. Notification of anticipated noncompliance does not stay any existing permit condition.

(d) The owner or operator may submit an application for a permit amendment or modification in accordance with G.S. 130A-294(a3). The filing of an application for a permit modification or amendment, or a notification of a significant change in accordance with G.S. 130A-295.2(g), does not stay any existing permit condition.

(e) The Division shall deny an application for a permit for the reasons provided in G.S. 130A-294(a)(4)c. The Division may suspend or revoke a permit in accordance with G.S. 130A-23. If the Division denies a permit application or revokes or suspends a permit, the Division shall notify the owner or operator in writing of the reasons for the permit action.

(f) If construction is not commenced within 18 months following the issuance date of the permit approval to construct, or an amendment to the permit approval to construct, then the permit shall expire.

(g) The owner or operator shall operate and maintain all sites and related appurtenances that are installed or used by the owner or operator to achieve compliance with the conditions of the permit, the plans incorporated in the permit in
accordance with Rule .0404(d) of this Section, and any documents referenced in the permit and the rules of this
Section.

(h) The site shall only conduct the solid waste management activities that the site is permitted to conduct. Construction
and operation of additional solid waste management activities at the site shall not impede site operations.

(i) Site permits issued by the Division in accordance with this Section are valid for the life-of-site operations in
accordance with Rule .0207 of this Subchapter, not to exceed 60 years from the date of the first permit issued for the
site.

(j) Sites permitted under the rules of this Section shall be subject to the permit fees set forth in G.S. 130A-295.8.

(k) The owner or operator shall report to the Division verbally or in writing within 24 hours from the time the owner
or operator becomes aware of the circumstances of any release or discharge of leachate or contaminants outside the
leachate collection system or other containment component at the site.

History Note:  
Authority G.S. 130A-294;

Eff. April 1, 1982, 1982;

15A NCAC 13B .0403 is proposed for adoption as follows:

15A NCAC 13B .0403  SITING AND DESIGN REQUIREMENTS

(a) A transfer station (site) shall meet the following siting requirements:

(1) Floodplain Restrictions: The portions of the site containing the buildings, leachate collection systems, and any areas where storage or processing of solid waste occurs shall not be located in the 100-year floodplain.

(2) Cultural Resources Restrictions: A site shall not damage or destroy a property of archaeological or historical significance that has been listed on the National Register of Historic Places or included on the Study List for the Register pursuant to 07 NCAC 04R .0206 and .0300.

(3) State Nature and Historic Preserve Restrictions: The location, access, size, and operation of the site shall not have an adverse impact on any component included in the State Nature and Historic Preserve pursuant to G.S. 143-260.10.

(4) Endangered and Threatened Species Restrictions: A site shall not jeopardize the continued existence of endangered or threatened species or result in the destruction or adverse modification of a critical habitat, protected under the Federal Endangered Species Act of 1973, Public Law 93-205, as amended.

(5) Clean Water Act requirements: a site or site operations shall:

(A) not cause a discharge of pollutants into waters of the United States, including wetlands, that violates any requirements of the Clean Water Act, including the National Pollutant Discharge Elimination System (NPDES) requirements pursuant to Section 402 of the Clean Water Act.

(B) comply with Section 404 of the Clean Water Act.

(C) not cause the discharge of a nonpoint source of pollution to waters of the United States, including wetlands, that violates any requirement of an area-wide or Statewide water quality management plan that has been approved under Section 208 or 319 of the Clean Water Act.

(6) Buffer Requirements: Unless otherwise stated in the site permit or local zoning requires larger buffers, the waste loading, unloading, and storage areas at the site shall be:

(A) no less than 100 feet from supply wells;

(B) no less than 100 feet from property lines;

(C) no less than 50 feet from waters of the State as defined in G.S. 143-212, or wetlands as defined in 40 CFR 232.2; and

(D) surrounded by an unused and cleared area of no less than 25 feet to allow access for fire or emergency response vehicles.

(b) Sites shall meet the following design requirements:
(1) Sites shall be designed and constructed so that all solid waste receiving, handling, transfer, and storage occurs on an impervious surface, such as concrete or asphalt, unless otherwise stated in the site permit.

(2) Tipping areas shall be located within an enclosed building or covered area to prevent precipitation from coming into contact with waste, and all waste shall be contained in the tipping area unless otherwise stated in the site permit.

(3) All recovered materials and recyclables stored at the site shall comply with G.S. 130A-309.05(c).

(4) The site shall be designed to operate within the capacity specified in the permit to accommodate estimated waste volumes, and within schedules prescribed in the permit for removal of all waste streams and materials permitted to be handled at the site. Other activities occurring at a site shall not prohibit compliance with the operational requirements in Rule .0405 of this Section.

(5) A water supply shall be provided for cleaning site floors, walls, and equipment.

(6) Leachate, including wash water and process water, shall be collected and contained within the site’s collection and containment system described in the site permit.

(7) All vehicles and containers that contain solid waste shall be staged within the perimeter of a leachate collection system or shall be covered and in compliance with Rule .0105 of this Subchapter.

(8) Leachate collection and treatment systems shall be designed to facilitate the removal of leachate and wastewater, and may include pipes, manholes, trenches, berms, collection sumps or basins, pumps, risers, liners, and liner splices.

(9) The site design shall include barriers such as fencing and gates to prevent unauthorized entry and to minimize the escape of windblown materials off site.

(10) In accordance with G.S. 130A-295.5, sites shall be designed and operated so that traffic congestion from loading and unloading of collection and transportation vehicles is minimized beyond the site entrance onto the public road, and beyond any egress ramp approved by the N.C. Department of Transportation.

(11) An all-weather road that is accessible by the Division and loaded collection vehicles shall be provided from the entrance gate to the unloading, receiving, and tipping areas.

(12) Storage areas for waste materials shall be designed to prevent potential fires from spreading outside the storage area, to prevent vectors, and to prevent the escape of waste, leachate, odors, dust, and litter from the site.

(13) If materials banned from landfill disposal in accordance with G.S. 130A-309.10(f) or recyclable materials will be stored on site, the site design shall include a storage area for these materials that is separate from the areas used for handling of waste meant for disposal.

(14) Sites shall be designed and operated to prevent the attraction of vectors.

(15) Sites shall be designed and operated to minimize the spread of odors and fugitive dust emissions generated by solid waste over the property line to comply with 15A NCAC 02D .0540 and .1806.
(16) Sites shall be designed, operated, and maintained to direct surface water run-on and run-off to prevent ponding or collection of surface water in waste handling and storage areas.

(17) Sites that intend to accept, process, or recycle construction and demolition wastes shall be designed to comply with 40 CFR Part 61(M), G.S. 130A-444 through 452, and the rules adopted thereunder.

*History Note: Authority G.S. 130A-294; Eff. January 1, 2021.*
15A NCAC 13B .0404 is proposed for adoption as follows:

15A NCAC 13B .0404 APPLICATION REQUIREMENTS

(a) Applications for transfer station permits submitted in accordance with Paragraph (c) of this Rule shall be submitted to the Division of Waste Management Solid Waste Section for review and approval prior to commencement of construction or operation of a transfer station (site).

(b) Permit applications for transfer stations are subject to the permit application fees required by G.S. 130A-295.8.

(c) In accordance with Rule .0201 of this Subchapter, a permit for a transfer station shall have two parts:

(1) Permit Approval to Construct. An application for a permit approval to construct a transfer station shall meet the requirements of Paragraphs (g) through (m) of this Rule and shall be submitted to the Division prior to commencing construction of the site. The application shall include the plans required in Paragraphs (g) through (j) of this Rule.

(2) Permit Approval to Operate. The owner or operator shall meet the pre-operative requirements listed in the permit approval to construct to qualify for a permit approval to operate. Construction documentation as outlined in Paragraph (n) of this Rule shall be submitted to the Division prior to receiving waste at the site. The site shall not begin receiving waste until a permit approval to operate has been issued by the Division.

(d) Permits issued by the Division in accordance with this Section shall incorporate all plans approved by the Division that are required to be submitted by Paragraphs (g) through (j) of this Rule, and a Corrective Action Plan if required in accordance with Rule .0405(a)(2) of this Section.

(e) Amendment to the permit. The owner or operator shall submit an application to amend the permit for a change in ownership or corporate structure of a permitted site. The owner or operator shall notify the Division within 30 days of a change in ownership or corporate structure in accordance with G.S. 130A-295.2(g).

(f) Modifications to the plans. The owner or operator may request to modify plans that were incorporated into the permit by the Division in accordance with the rules of this Section by submitting the request to the Division, including the modified plan and a demonstration showing how the proposed modifications comply with the rules of this Section. The Division shall respond to the request in writing within the timeline provided in G.S. 130A-295.8(e), and the response shall either approve or deny the request as submitted or request that additional information be submitted for the Division to consider the request. The Division’s approval shall be based on whether the modification complies with the rules of this Subchapter. If the Division approves the request as submitted or upon receiving the additional information requested, the Division’s written approval and the revised pages of the plan shall be added to the site’s operating record. The owner or operator shall not implement the modification until the Division has issued an approval.

(g) Site Plan. An application for a permit for a site shall contain a site plan that includes the following information:

(1) an aerial photograph, representative of existing conditions, at a scale of a least one inch equals 400 feet, showing the area within one quarter mile of the proposed site's boundaries with the following identified:

(A) property lines of the entire property where the site will be located;
(B) existing land use and zoning;

(C) location of all private residences, commercial and industrial buildings, public or private utilities, roads, and schools;

(D) on-site easements;

(E) location of potable wells and public water supplies;

(F) historic sites described in Rule .0403(a)(2) of this Section;

(G) state nature and historic preserves described in Rule .0403(a)(3) of this Section;

(H) the existing topography and features of the site including general surface water drainage patterns and watersheds, 100-year floodplains, perennial and intermittent streams, rivers, and lakes; and

(I) the classification of the surface water drainage from the site in accordance with 15A NCAC 02B .0300.

(2) a siting report demonstrating compliance with the siting criteria of Rule .0403(a) of this Section, including a letter from the unit of government having zoning jurisdiction over the site that states that the proposed use is allowed within the existing zoning, if any; that any necessary zoning approval or permit has been obtained, and that states the local zoning buffers that apply to the site.

(3) letters from both the State Historic Preservation Office and the Natural Heritage Program within the Department of Cultural and Natural Resources stating whether the proposed use of the site as a solid waste transfer station will impact the historic sites described in Rule .0403(a)(2) of this Section; State nature and historic preserves described in Rule .0403(a)(3) of this Section; or the endangered or threatened species described in Rule .0403(a)(4) of this Section located on the transfer station property.

(h) Construction Plan. An application for a permit for a site shall contain a construction plan that includes the following items:

(1) Construction drawings showing:

   (A) existing and proposed contours;

   (B) property boundaries;

   (C) the location of barriers, fences, or other structures that control access to the site,

   (D) buffer areas and distances to wells, residences, wetlands and water bodies and descriptions of any buffer requirements by local government zoning regulations;

   (E) the water diversion, collection, conveyance, erosion and sedimentation control, treatment, storage, and discharge facilities that will be used, such as drainage patterns and surface water drainage control structures both within the area and at the site perimeter, including berms, ditches, sedimentation basins, pumps, sumps, culverts, pipes, inlets, velocity breaks, sodding, erosion matting, or other methods of erosion control;

   (F) the solid waste storage, loading, and unloading areas, including the tipping floor;
(G) buildings and facilities that will be used in the operation, including their horizontal and vertical dimensions;

(H) concrete foundations or pads and identification of all other ground cover for the site operation;

(I) location of scales and weigh stations that will be used in the operation;

(J) a survey grid with base lines and monuments that will be used for field control;

(K) access roads and traffic flow patterns to and within the site;

(L) leachate collection, control, and treatment systems including pipes, manholes, trenches, berms, collection sumps or basins, pumps, risers, liners, and liner splices; and

(M) materials management handling areas for sites that will manage pre-sorted recyclables and any materials diverted from the incoming waste stream; and

(2) a description of how the site will comply with the design requirements of Rule .0403(b) of this Section.

(i) Operations Plan. An application for a permit for a site shall contain an operations plan that shall include a discussion of each of the following items:

(1) the type and quantity of waste that will be accepted, the anticipated sources of the waste accepted, the intended destination of waste removed from the site, and the intended destination of recovered materials if any are proposed to be removed from the site;

(2) the procedures and anticipated processing and storage times for the activities that the site is proposing to conduct, such as receiving, screening, processing, handling, salvaging, storage, and removal of waste and recovered materials including recyclables, wastes banned from landfill disposal in accordance with G.S. 130A-309.10(f), and special wastes as defined in G.S. 130A-290(a)(40);

(3) the hours of operation, staffing, parking for visitors and employees, and traffic routing;

(4) methods for vector control, dust and odor control, drainage and erosion control, fire prevention, and daily cleanup;

(5) record-keeping procedures;

(6) groundwater and surface water monitoring and corrective action, if required by the Division in accordance with Rule .0405(a)(2) of this Section;

(7) planned compliance with the operational requirements of Rule .0405 of this Section;

(8) for sites that will accept, process, or recycle construction and demolition wastes, a description of how the site will comply with 40 CFR Part 61(M), G.S. 130A-444 through 452, and the rules adopted thereunder;

(9) for sites designed with a leachate collection system, a leachate management plan that includes the following:

(A) a description of the performance and design concepts for the leachate collection system and any storm water segregation included in the engineering design;
(B) monitoring procedures for leachate storage tanks, if present, to ensure proper functioning;

(C) operational control methods to ensure that surface water is diverted from the operational area, and the tipping floor is free of standing water; and

(D) a process to abandon or remove the leachate collection system upon closure of the site. The Division may allow leachate collection systems to remain in place for future use if the owner or operator provides documentation of measures taken to comply with the requirements of this Section and to protect human health and safety and the environment, such as capping or blocking of any discharge points or open-ended piping to prevent unintended collection, storage, or discharge of leachate. The Division may also require recordation and land use restrictions in accordance with Rule .0406(7) of this Section;

(10) a contingency plan that shall address planned operations in the event of loss of power, loss of communications, storm surges, scale malfunctions, and scale software malfunctions; in the event that the disposal site, haul route, or transfer equipment is not available; or during conditions exceeding design parameters. The owner or operator of a site shall provide back-up equipment, and contact information to obtain the equipment, and plans to by-pass the site in case of equipment breakdown. The contingency plan shall be kept updated on-site and shall include site-specific emergency procedures and contact information in case of emergencies; and

(11) additional information for activities or features that the owner or operator is proposing that are not otherwise described in this Paragraph, or that the Division may request if it is necessary to determine compliance with the rules of this Subchapter.

(j) Closure Plan. An application for a permit for a site shall contain a closure plan that describes the steps necessary to close the site at any point during the active life of the site in accordance with the requirements in Rule .0406 of this Section. The closure plan shall include the following information:

(1) a description of all activities, including the removal of any remaining solid wastes or materials from the site, activities required for the closure of the site, and abandonment of all on-site systems.

(2) a schedule for completing all activities necessary to satisfy the closure criteria set forth in Rule .0406 of this Section;

(3) the cost estimate for closure and post closure activities; and

(4) a plan for retention of operating record and receipts including those from closure activities.

(k) Sites shall comply with financial responsibility requirements in accordance with G.S. 130A-295.2 and Section .1800 of this Subchapter. If the Division requires the site to conduct post-closure care in accordance with Rule .0406(b) of this Section, the site shall maintain financial assurance during the post-closure care period until released from post-closure care by the Division.

(l) Owners or operators of sites are subject to the compliance history review requirements in G.S. 130A-295.3.

(m) Sites shall comply with the traffic study requirements in G.S. 130A.295.5.

(n) Following completion of construction but prior to commencing operations, the owner or operator shall submit to the Division the as-built drawings and a final construction report that the site has been constructed in accordance with
the Division-approved drawings and specifications in the permit to construct. If required by G.S. 89C, these items shall be certified by a licensed professional engineer.

*History Note:* Authority G.S. 130A-294.

15A NCAC 13B .0405 is proposed for adoption as follows:

15A NCAC 13B .0405 OPERATIONAL REQUIREMENTS

(a) The owner or operator of a transfer station (site) shall maintain and operate the site in accordance with the approved operations plan submitted in accordance with Rule .0404(i) of this Section and the following conditions:

1. Dust and Odor Control. Fugitive dust emissions generated by site operations shall comply with 15A NCAC 02D .0540. The site shall comply with 15A NCAC 02D .1806 for odors.

2. Groundwater and Surface Water Monitoring and Corrective Action Requirements. The site shall prevent the release of leachate and contaminants to groundwater and surface water and shall comply with 15A NCAC 02L and the surface water quality standards in 15A NCAC 02B.

   (A) Open burning of solid waste is prohibited at all sites, unless approval has been obtained from the Division, and from the Division of Air Quality in accordance with 15A NCAC 02D .1900, and from the local government prior to any burning activity.
   (B) Hot ashes, hot loads, or cinders shall not be accepted at a site. The waste screening procedures required in accordance with Subparagraph (8) of this Paragraph and described in the operations plan shall address identification and rejection of loads containing hot ashes and cinders.
   (C) The operator of a site shall provide equipment on-site to control fires and make documented arrangements with a local fire protection agency to provide fire-fighting services.
   (D) The operator shall verbally notify the Division of fires that occur at a site within 24 hours of the fire and shall submit a written report to the Division within 15 days of the fire. The report shall include the site name and permit number; the date and time of the fire; actions taken by the operator in response to the fire; the cause of the fire; the area, type, and amount of waste that caught fire; and a plan of action to prevent fires in the future; the name and title of the person submitting the information, and the date the information is submitted.

4. Vector Control. Owners or operators of a site shall operate and maintain the site to prevent on-site populations of vectors.

5. Noise Control. Noise levels shall meet local ordinances if they exist. If local ordinances for noise do not exist, noise levels for site operations, except fire and safety alarms, shall not exceed 85 decibels at the property line.

6. Erosion and Sedimentation Control Requirements. The site shall comply with 15A NCAC 04, and the owner or operator shall utilize erosion and sedimentation control measures that prevent sediment from leaving the site and prevent on-site erosion.

7. Training. During hours of operation, an operator trained in accordance with G.S. 130A-309.25 shall be on-site. Sites shall provide all staff with no less than eight hours of training updates annually that
includes a review of the operations plan and permit documents. Documentation of the training shall be placed in the operating record and provided to the Division upon request.

(8) Waste Screening. Sites shall comply with the following waste screening requirements:

(A) Site personnel shall screen incoming loads weekly at a rate of no less than five percent of the average daily waste tonnage reported in the site’s annual report for the previous year. Site personnel shall be trained annually to identify liquid waste, hazardous waste, PCB waste, special wastes as defined in G.S. 130A-290(a)(40), wastes banned from landfill disposal in accordance with G.S. 130A-309.10(f) if the site receiving the waste for disposal is a landfill, and wastes that the intended final disposal site is not permitted by the Division to accept. The screening shall be conducted as described in the approved operations plan prepared in accordance with Rule .0404(i) of this Section. Waste screening and rejected wastes shall be recorded in writing, and the records shall be kept on site for no less than five years and shall be made available to the Division during a site inspection or upon request.

(B) The owner or operator shall include in the operations plan a plan to manage any identified hazardous and liquid wastes. The plan shall address identification, removal, storage, and final disposal of the waste.

(9) Waste Acceptance: Sites shall not accept the following:

(A) hazardous waste unless the site is permitted by the Division in accordance with 15A NCAC 13A to receive such waste;

(B) polychlorinated biphenyls (PCB) wastes as defined in 40 CFR 761.3, which is incorporated by reference, including subsequent amendments and editions, and may be accessed at www.ecfr.gov at no cost;

(C) asbestos waste unless the waste is received and handled in compliance with the requirements of 40 CFR 61.150, which is incorporated by reference, including subsequent amendments and editions, and may be accessed at www.ecfr.gov at no cost. Bags shall be no less than six mil thick and shall be labeled with the warning required by 40 CFR 61.150(a)(1)(iv) that they contain asbestos-containing materials. Sites shall provide notice to the landfill facility receiving the asbestos waste prior to disposal.

(D) waste banned by G.S. 130A-309.10 at the disposal destination;

(E) waste banned by local law or ordinance at the disposal destination; and

(F) waste banned from disposal by a local law or an ordinance at the place of waste origin.

(10) Windblown waste: Site staff shall conduct daily inspections for windblown waste on the site property. Windblown litter from site operations discovered during the daily inspections or observed on adjacent properties shall be picked up and containerized for proper disposal by the end of each operating day, unless the landowner of the adjacent property denies access to site staff. The site shall
prevent waste from being blown outside the waste handling areas by the wind, using methods such as:

(A) requiring that vehicles entering and leaving the site keep waste covered;

(B) providing skirts, such as rubber belting or brushes, around the top of chutes to minimize the space between the chute and the hauling trailer at sites with chutes and hoppers; or

(C) preventing waste from leaving the site using methods such as fencing, netting, or diking.

(11) Site Cleaning and Maintenance: Unless otherwise stated in the site permit, all waste shall be removed from the tipping floor, the truck loading bays, and from behind push walls by the end of each day of operation and disposed of in accordance with this Subchapter. The tipping floor, push walls, and truck loading bays shall be cleaned with a pressure washer no less than once per month. The remaining areas of the site building including side walls and any material storage areas outside of the building shall be cleaned with a pressure washer no less than twice per year. Wash water generated from cleaning waste handling areas shall be contained and treated as leachate. Cleaning and maintenance records shall be maintained and made available to the Division upon request.

(b) Water that comes into contact with solid waste is leachate and shall be collected from the site for disposal to an approved facility or discharged directly from the site into a sanitary sewer line. A National Pollutant Discharge Elimination System (NPDES) permit may be required prior to the discharge of leachate to surface waters, as provided by 40 CFR Parts 258.26 and 258.27, which are incorporated by reference, including subsequent amendments and editions, and may be accessed at www.ecfr.gov at no cost.

(c) All vehicles and containers being used for the temporary storage of solid waste shall be maintained in accordance with Rule .0105 of this Subchapter; and shall be stored so that any potential release of leachate from the vehicles or containers will be collected by the leachate collection system.

(d) Operating Record and Recordkeeping requirements. The owner or operator of a site shall retain an operating record in electronic or hard copy format at the site, or in an alternative location stated in the permit. The records required by Subparagraphs (1) and (2) of this Paragraph shall be maintained for no less than five years. The records required by Subparagraphs (3) through (9) of this Paragraph shall be maintained for the life of the site. The operating record shall contain the following information:

(1) records of waste inspections, monitoring results, certifications of training, and training procedures required by the rules of this Section;

(2) amounts by weight of solid waste received at the site including county and state of generation, in accordance with G.S. 130A-309.09D;

(3) demonstrations, certifications, findings, monitoring, testing, or analytical data required by the rules of this Section;

(4) closure or post-closure care monitoring, testing, or analytical data required by the rules of this Section;

(5) cost estimates and financial assurance documentation required by Section .1800 of this Subchapter;

(6) site audit records, compliance records, maintenance records, and inspection reports;
(7) a copy of the current Permit to Construct and Permit to Operate;

(8) a copy of the plans that have been incorporated into the permit in accordance with Rule .0404(d) of this Section; and

(9) a Corrective Action Plan, if required by Subparagraph (a)(2) of this Rule.

(e) Access requirements.

(1) Sites shall be secured to prevent unauthorized entry by means such as gates, chains, berms, or fences.

(2) An attendant shall always be on duty at the site while it is open for public use to ensure compliance with operational requirements.

(3) The access roads shall be of all-weather construction and maintained to be accessible by loaded collection vehicles and by the Division.

(4) Signs shall be posted at the site entrances unless otherwise stated in the site permit. The signs shall be constructed of a durable, weather-resistant material. The signs shall be clear and legible and show the name of the operator of the site, emergency contact information, the operating hours of the site, the permit number of the current permit authorizing operations at the site, the types of waste that can be accepted under the permit, and that hazardous waste and liquid waste cannot be accepted at the site.

History Note: Authority G.S. 130A-294;

15A NCAC 13B .0406 is proposed for adoption as follows:

15A NCAC 13B .0406 CLOSURE REQUIREMENTS

(a) The owner or operator of a transfer station (site) shall schedule and document closure of all sites in accordance with the following criteria:

1. The owner or operator shall submit written notification to the Division no less than 90 days prior to the proposed date of cessation of waste acceptance at a site.

2. The owner or operator shall begin closure activities no later than 30 days after the date of the final receipt of waste at the site.

3. The owner or operator shall remove all waste from the site in accordance with the requirements of this Subchapter, and complete closure activities of the site in accordance with the site permit and the rules of this Section within 180 days following the beginning of closure as specified in Subparagraph (2) of this Paragraph.

4. When the requirements of Subparagraph (3) of this Paragraph have been met, the owner or operator shall notify the Division in writing that the requirements have been met. The notification shall describe how the requirements were met and shall be placed in the operating record.

5. A final inspection for closure shall be conducted by the Division to verify that the conditions of closure have been met.

6. Leachate collection systems, if present, shall be closed in accordance with the approved leachate management plan submitted in accordance with Rule .0404(i)(9) of this Section.

7. Recordation and Land Use Restrictions.

(A) If the site has been required by the Division to conduct a corrective action program following closure of the site in accordance with this Rule, or elects to leave a leachate collection system or tank in place for future use, the owner or operator shall record a notice for the site property at the local county Register of Deeds office that is discoverable during a title search for the site property, and notify the Division that the notice has been recorded and a copy has been placed in the operating record. The notice shall be in accordance with G.S. 130A-310.71(e) or G.S. 143B-279.10.

(B) The notice shall notify any potential purchaser of the property that the land has been used as a solid waste management facility and its use may be restricted by the Division.

(C) Upon written request by the owner or operator, the Division shall provide the land owner of record documentation to record with the county Register of Deeds, stating that site use is no longer restricted if all post-closure care activities required by the Rules of this Section are completed, the Division authorizes termination of any corrective action program in accordance with 15A NCAC 02L .0106, and the leachate collection system has been removed.
(b) If the Division requires groundwater or surface water monitoring or corrective action at a site in accordance with Rule 0405(a)(2) of this Section, the monitoring and corrective action at the site shall continue in a post-closure care period until the Division authorizes termination of corrective action at the site in accordance with 15A NCAC 02L.0106.

15A NCAC 13B .0501 is proposed for readoption as a repeal as follows:

SECTION .0500 - DISPOSAL SITES

Rules .0501 - .0510 of Title 15A Subchapter 13B of the North Carolina Administrative Code (T15A.13B .0501 - .0510); have been transferred and recodified from Rules .0501 - .0510 of Title 10 Subchapter 10G of the North Carolina Administrative Code (T10.10G .0501 - .0510), effective April 4, 1990.

15A NCAC 13B .0501   APPROVED DISPOSAL METHODS

(a) The disposal of solid waste shall be by the following approved methods or any combination thereof:

   (1) Sanitary landfill;
   (2) Land clearing and inert debris landfill;
   (3) Incineration; or
   (4) Disposal by other sanitary methods which may be developed and demonstrated to be capable of fulfilling the basic requirements of these Rules and which have been approved by the Division.

(b) The requirements of this Section shall not apply to municipal solid waste landfill units, which are defined under and subject to the requirements of Section .1600 of this Subchapter.

History Note: Authority G.S. 130A-294;
Eff. April 1, 1982;
Amended Eff. October 9, 1993; January 4, 1993; September 1, 1990; 1990;
15A NCAC 13B .0502 is proposed for readoption as a repeal as follows:

**15A NCAC 13B .0502 OPEN DUMPS**

Any owner or operator of an open dump, as defined by G.S. 130A-290(20), for disposal of solid waste or any person(s) who owns, leases or otherwise controls land on which such an open dump is or has been operating shall immediately close the site in accordance with the following requirements:

(1) Implement effective vector control, including baiting for at least two weeks after closing, to prevent vector migration to adjacent properties;

(2) If the site is deemed suitable by the Division, compact and cover existing solid waste in place with one foot or more of suitable compacted earth. Closing the site by this method is conditioned upon the further requirement that the waste disposal location and development and conveyance restrictions prohibiting the disturbance of the solid waste disposal site be recorded by the property owner with the Register of Deeds in the county where the site is located. The Division shall provide the property owner with the development and conveyance restrictions to be recorded for that site. Copies of the recordation procedure may be obtained from and inspected at the Division;

(3) If the site is deemed unsuitable by the Division, remove and place solid waste in an approved disposal site or facility;

(4) Implement erosion control measures by grading and seeding; and

(5) Prevent unauthorized entry to the site means of gates, chains, berms, fences, and other security measures approved by the Division and post signs indicating closure for a period designated by the Division not to exceed one year.

**History Note:**

Authority G.S. 130A-294;

Eff. April 1, 1982;

Amended Eff. August 1, 2008; January 4, 1993; December 1, 1990; August 1, 1988; February 1, 1988;

15A NCAC 13B .0503 is proposed for readoption with substantive changes as follows:

15A NCAC 13B .0503  SITING AND DESIGN REQUIREMENTS FOR DISPOSAL SITES

INDUSTRIAL SOLID WASTE LANDFILLS

(a) An industrial solid waste landfill unit ("site" or "ISWLF unit") Disposal sites shall comply with the following siting requirements in order for a permit to be issued:

(1) A site shall meet the following siting requirements:
(1)(a) A site located in a floodplain shall not restrict the flow of the 100-year flood, reduce the temporary water storage capacity of the floodplain or result in washout of solid waste so as to pose a hazard to human life, wildlife or land or water resources.

(b) A site shall be located in consideration of the following:
(i) a site shall not cause or contribute to the taking of any endangered or threatened species of plants, fish, or wildlife;
(ii) a site shall not result in the destruction or adverse modification of the critical habitat of endangered or threatened species as identified in 50 C.F.R. Part 17 which is hereby incorporated by reference including any subsequent amendments and editions. This information is available for inspection at the Department of Environment, Health, and Natural Resources, Division of Solid Waste Management, 401 Oberlin Road, Raleigh, North Carolina 27605 where copies can be obtained at no cost;
(iii) a site shall not damage or destroy an archaeological or historical site; and
(iv) a site shall not cause an adverse impact on a state park, recreation or scenic area, or any other lands included in the state nature and historic preserve.

(1) Floodplain Restriction. A site shall not be located in the 100-year floodplain in accordance with G.S. 143-215.54(c) and S.L. 2000-150.

(2) Cultural Resources Restrictions: A site shall not damage or destroy a property of archaeological or historical significance that has been listed on the National Register of Historic Places or included on the Study List for the Register pursuant to 07 NCAC 04R .0206 and .0300, respectively, which are incorporated by reference including subsequent amendments or editions.

(3) State Nature and Historic Preserve Restrictions: A site shall not have an adverse impact on any component included in the State Nature and Historic Preserve pursuant to G.S. 143-260.10.

(4) Endangered and Threatened Species Restrictions: A site shall not jeopardize the continued existence of endangered or threatened species or result in the destruction or adverse modification of a critical habitat, protected under the Federal Endangered Species Act of 1973, Public Law 93-205, as amended.
A new site disposing of putrescible wastes shall not be located within 10,000 feet of an airport runway used by turbojet aircraft or within 5,000 feet of an airport runway used by piston-type aircraft; and

A site shall have available adequate suitable soils for cover either on-site or from off-site.

A site shall comply with the following design requirements for a permit to be issued:

A site shall meet the following design requirements:

If the site accepts waste types that are expected to generate explosive gases, the concentration of explosive gases generated by the site, shall not exceed:

A site shall comply with the following design requirements:

A site shall comply with the following design requirements:

A site shall meet the following ground water protection requirements:

A site, except for land clearing and inert debris landfills subject to Rule .0564(8)(e) of this Section, shall be designed so that the bottom elevation of solid waste will be a minimum of four feet above the seasonal high water table;

Operators of new industrial solid waste landfills, lateral expansions of existing industrial solid waste landfills, and industrial solid waste landfills receiving solid waste on or after January 1, 1998 shall submit to the Division a design which satisfies one of the following criteria:

A site that has not previously been permitted by the Division for an ISWLF unit, or a lateral expansion of an existing permitted site shall be designed with a leachate collection system, a closure cap system, and a composite liner system consisting of an
upper component and lower component. The upper component of the composite liner system shall consist of a flexible membrane liner (FML) no less than 30 mil thick. The lower component of the composite liner system shall consist of a layer of compacted soil no less than two feet thick with a hydraulic conductivity of no more than \(1 \times 10^{-7}\) cm/sec. FML components consisting of high-density polyethylene (HDPE) shall be no less than 60 mil thick. The FML component shall be installed in direct and uniform contact with the compacted soil component.

**(C)(A)** An owner or operator applying for a permit for a site that has not previously been permitted by the Division for an ISWLF unit, or a lateral expansion of an existing permitted site may submit a request to the Division to be exempt from the requirements of Part (B) of this Subparagraph. The request shall be submitted in writing with the proposed site information required to be submitted in accordance with Rule .0504(c) of this Section. The request shall include a description of the types of waste proposed to be disposed of at the site, and a proposed site design that will ensure demonstrates that the post-settlement bottom elevation of the waste will be a minimum of four feet above both the seasonal high groundwater table and the bedrock datum plane contours as required by G.S. 130A-295.6(f). The site design shall also demonstrate that the groundwater groundwater quality standards or interim maximum allowable contaminant levels established under 15A NCAC 2L.02L will not be exceeded in the uppermost aquifer at the compliance boundary established by the Division in accordance with 15A NCAC 2L.02L. The site design shall be based upon modeling methods that include the hydrogeologic characteristics of the site and surrounding lands; the climatic factors of the area; and the volume and physical and chemical characteristics of the leachate. The Division shall approve the request if the request and the proposed site design comply with Article 9 of Chapter 130A of the General Statutes and the rules of this Subchapter, acceptable to the Division, which shall include, at a minimum, the following factors:

1. the hydrogeologic characteristics of the facility and surrounding lands;
2. the climatic factors of the area; and
3. the volume and physical and chemical characteristics of the leachate;

**(B)** A design with a leachate collection system, a closure cap system, and a composite liner system consisting of two components: the upper component shall consist of a minimum 30 ml flexible membrane (FML), and the lower components shall consist of at least a two-foot layer of compacted soil with a hydraulic conductivity of no more than \(1 \times 10^{-7}\)cm/sec. FML components consisting of high-density polyethylene (HDPE) shall be at least 60 ml thick.

The FML component shall be installed in direct and uniform contact with the compacted soil component.
(iii) The Division reserves the right to require an applicant to submit a liner design if the groundwater protection demonstration is Sub-item (ii) in of this Paragraph is not satisfactory.

(D)(iv) Industrial solid waste landfills. A site shall comply with groundwater standards established under 15A NCAC 2L Rule .0601 of this Subchapter at the compliance boundary.

(5)(e) A site shall not engage in open burning of solid waste unless approval has been obtained from the Division, and from the Division of Air Quality in accordance with 15A NCAC 02D .1900, and from the local government prior to any burning activity.

(6)(f) A site, except a land clearing and inert debris landfill. A site shall meet the following buffer requirements:

(A)(i) A site that received site study approval from the Division in accordance with Rule .0504(a)(1) of this Section prior to the readopted effective date of this Rule shall maintain a buffer of 50 feet between all property lines and disposal areas. A site that receives site study approval after the readopted effective date of this Rule shall maintain a buffer of no less than 200 feet. A 50-foot minimum buffer between all property lines and disposal areas;

(B)(ii) A site shall have a buffer of no less than 500 feet between the disposal area and residential structures private dwellings and supply wells existing at the time that the Division site study approval in accordance with Rule .0504(a)(1) of this Section; and disposal areas; and

(C)(iii) A site shall have a buffer of no less than 50 feet between the disposal area and any stream, river, lake, pond, or other waters of the State as defined in G.S. 143-212; streams and rivers and disposal areas; and

(7)(g) A site shall comply with the requirements in 15A NCAC 04 for sedimentation control. Requirements of the Sedimentation Pollution Control Law (15A NCAC 4) shall be met.

15A NCAC 13B .0504 is proposed for readoption with substantive changes as follows:

15A NCAC 13B .0504  APPLICATION REQUIREMENTS FOR SANITARY LANDFILLS INDUSTRIAL SOLID WASTE LANDFILLS

A permit for a sanitary landfill shall be based upon a particular stream of identified waste, as set forth in Rule .0504(1)(g)(i) and (ii) of this Section. Any substantial change in the population or area to be served, or in the type, quantity or source of waste shall require a new permit and operation plan, including waste determination procedures where appropriate.

(1) The following information shall be required for reviewing a site application for a proposed sanitary landfill:

(a) The permit applicant for an industrial solid waste landfill unit ("ISWLF unit" or "site") permit shall prepare a site study in accordance with Paragraph (c) of this Rule, and submit the site study to the Division. The Division shall review the site study for a proposed new site prior to consideration of an application for a permit. Following review of the site study, the Division shall notify the applicant that either:

(1) the site is deemed suitable for establishing an ISWLF unit and the applicant may prepare an application for a permit in accordance with Paragraph (b) of this Rule; and the site-specific conditions and design requirements stated in the notification, if any; or

(2) the site is deemed unsuitable for establishing an ISWLF unit and the Division shall specify the reasons that prevent the ISWLF unit from being operated in accordance with Chapter 130A Article 9 of the General Statutes, the rules of this Subchapter, and any applicable federal laws and regulations.

(b) When the site has been deemed suitable for an ISWLF unit by the Division in accordance with Paragraph (a)(1) of this Rule, the permit applicant shall submit to the Division one electronic copy of a permit application, and the application shall contain the plans described in Paragraphs (d) through (f) of this Rule. A permit for a site shall be based upon a particular type and source of waste, as identified in the operation plan required by Paragraph (e) of this Rule.

(c) The site study shall contain the following information:

(1) An aerial photograph on a scale of at least 1 inch equals 400 feet showing the area within one-fourth mile of the proposed site's boundaries with the following specifically identified:

(A) Entire property owned or leased by the person proposing the disposal-site;

(B) Land use and zoning;

(C) Location of all homes, industrial buildings, public or private utilities, and roads;

(D) Location of wells, watercourses, dry runs, and other applicable details regarding the general topography; and

(E) Flood plains.

(2) A map on a scale of at least 1 inch equals 1000 feet showing the area within two miles of the proposed site's boundaries that identifies known groundwater users, potential or existing...
sources of groundwater and surface water pollution, water intakes, airports and runways, and subdivisions, the following specifically identified:

(i) Known ground water users;
(ii) Potential or existing sources of ground water and surface water pollution;
(iii) Water intakes;
(iv) Airport and runways; and
(v) Subdivisions.

(3)(c) A geological and hydrological study of the site which provides:

(A)(i) Soil borings for which the numbers and depths have been confirmed by the Division and lab testing of selected soil samples that provide:
   (A) standard penetration resistance;
   (B) particle size analysis;
   (C) soil classification using the Unified Soil Classification System;
   (D) geologic considerations such as slopes and solution features (slopes, solution features, etc.);
   (E) undisturbed representative geologic samples of the unconfined or confined or semiconfined hydrological units within a depth of 50 feet that provide the following information for each major lithologic unit:
      (I) saturated hydraulic conductivity or by in situ (or by in situ);
      (II) volume percent water, water, and
      (III) porosity;
   (F) remolded sample of cover soils that provide the:
      (I) saturated hydraulic conductivity,
      (II) total porosity, and
      (III) atterberg limits;
   (G) stratigraphic cross sections identifying hydrogeological units including lithology;
   (H) tabulation of water table elevations at time of boring, 24 hours, hours after boring, and seven days after boring. (The number of cased borings to provide this information shall be confirmed by the Division); and
   (I) boring logs; and

(B)(ii) A boundary plat locating soil borings with accurate horizontal and vertical control which controls that are tied to a permanent onsite bench mark;

(C)(iii) A potentiometric map of the uppermost surfical aquifer based on stabilized water table elevations; and

(D)(iv) A report summarizing the geological and hydrological evaluation.
(4)(d) A conceptual design plan presenting special engineering features or considerations which must be included or maintained in site construction, operation, maintenance, and closure.

(e) Local government approvals:

(i) If the site is located within an incorporated city or town, or within the extra-territorial jurisdiction of an incorporated city or town, the approval of the governing board of the city or town shall be required. Otherwise, the approval of the Board of Commissioners of the county in which the site is located shall be required. Approval may be in the form of either a resolution or a vote on a motion. A copy of the resolution, or the minutes of the meeting where the vote was taken, shall be forwarded to the Division.

(5) A copy of the franchise or local government approval from each unit of local government in whose jurisdiction the site is located in accordance with G.S 130A-294(b1). No franchise or local government approval shall be required for site used to dispose of waste generated solely by the permit applicant.

(6)(ii) A letter from the unit of government having zoning jurisdiction over the site which states that the proposal meets all of the requirements of the local zoning ordinance, or that the site is not zoned.

(7)(f) A discussion of compliance with siting standards in Rule .0503(a) of this Section.

(8)(g) A report indicating that describes the following:

(A)(i) population and area to be served;

(B)(ii) type, quantity, and source of waste; waste that will be disposed of at the site;

(C)(iii) the equipment that will be used for operating the site;

(D)(iv) a proposed groundwater monitoring plan including surface water sampling locations, well locations, and well schematics showing proposed screened interval, depth, and construction; and

(E)(v) additional information or a more detailed geologic report may be required depending on specifics of the site. This report may be based on physical evidence, initially, or due to information obtained from the site plan application.

(9) letters from both the State Historic Preservation Office and the Natural Heritage Program within the Department of Cultural and Natural Resources stating whether the proposed use of the property will impact the historic sites described in Rule .0503(a)(2) of this Subchapter; State nature and historic preserves described in Rule .0503(a)(3) of this Subchapter; or the endangered or threatened species described in Rule .0503(a)(4) of this Subchapter located at the site.

(10) additional information for activities or features that the owner or operator is proposing that are not otherwise described in this Rule, or that the Division may request if it is necessary to determine compliance with the rules of this Subchapter.

(b) Any other information pertinent to the suitability of the proposed site.
(2) The following information shall be required for reviewing a construction plan application for a proposed sanitary landfill:

(d) Construction Plan. An application for a permit for the site shall contain a construction plan that shall include the following information:

(1)(a) A map showing existing features including:

- existing topography of the site on a scale of no less than one inch equals 200 feet with five-foot contours, benchmarks, springs, streams, potential groundwater monitoring sites, pertinent geological features, and soil boring locations;

- existing topography of the site on a scale of at least 1 inch equals 200 feet with five foot contours;

- bench marks;

- springs;

- streams;

- potential groundwater sites;

- pertinent geological features; and

- soil boring locations.

(2)(b) A grading plan that provides:

- proposed excavated contours, soil boring locations, locations and elevations of dikes or trenches, designated buffer zones, diversion and controlled removal of surface water from the work areas, and proposed utilities and structures;

- proposed excavated contours;

- soil boring locations;

- locations and elevations of dikes or trenches;

- designated buffer zones;

- diversion and controlled removal of surface water from the work areas; and

- proposed utilities and structures.

(3)(c) A construction plan that provides:

- a site development plan showing phases or progression of construction and operation in increments of five years up to the life-of-site of the ISWLF;

- engineering design for liners, liners and leachate collections systems;

- proposed final contours showing removal of surface water runoff; and

- locations of slope drains or other drop structures.

(4)(d) An erosion control plan that identifies the following:

- locations of temporary erosion control measures such as sediment basins, stone filters, terraces, or silt fences; fences, etc.);

- locations of permanent erosion control measures such as rip rap, energy dissipators, ditch stabilization, or pipe drains; drain, etc.; earthwork calculations; calculations for temporary and permanent erosion control measures; a discussion of compliance with 15A NCAC 04 for sedimentation control; and

- seeding specifications and schedules.
(5)(e) Engineering diagrams showing typical sections of:
- dikes,
- trenches,
- diversions, and
- sediment basins.

(6)(f) A minimum of two cross sections per operational area showing original elevations, proposed excavated depths, proposed final elevations, the groundwater elevation, and soil borings, showing:
- original elevations,
- proposed excavated depths,
- proposed final elevations,
- groundwater elevation, and
- soil borings.

(g) Site development showing phases or progression of operation in five-year or ten-year phases of construction and operation.

(7) A discussion of compliance with the design requirements in Rule .0503(b) of this Section.

(c)(h) Operations Plan. An application for a permit for the site shall contain an operations plan that shall include the following information:

1. A copy of the deed or other legal description of the landfill site that would be sufficient as a description in an instrument of conveyance and property owner's name;
2. Name and emergency contact information for the individual responsible for operation, maintenance, and closure of the site;
3. Type, quantity, and source of waste that will be disposed of at the site;
4. A discussion of compliance with the operational requirements in Rule .0505 of this Section;
5. A discussion of compliance with the monitoring requirements of Section .0600 of this Subchapter.

(f) Closure and Post-Closure Care Plan. An application for a permit for the site shall contain a closure and post-closure plan that shall include the following information:

1. A description of the closure of the site, including quantification of the life-of-site, closure and final cover procedures, and projected use of land after closure; and
2. A description of the post-closure care period of the site, including maintenance and monitoring procedures, and a discussion of compliance with Section .0600 of this Subchapter.
3. The cost estimate for closure and post-closure activities as required under Section .1800 of this Subchapter.

(g) If required by G.S. 89C or 89E and not under the purview of another licensed profession, a licensed professional engineer or licensed geologist shall certify the information submitted in accordance with Paragraphs (c) through (f) of this Rule.
(h) The Division shall review all permit applications in accordance with Rule .0203 of this Subchapter.

(i) Plans and documents submitted in the permit application in accordance with this Rule shall be incorporated into the permit when the permit is issued by the Division, and the site shall comply with the permit in accordance with Rule .0203(d) of this Subchapter.

(j) Modifications to the plans. The owner or operator may request to modify plans that were incorporated into the permit by the Division in accordance with the Paragraph (i) of this Rule by submitting the request to the Division, including the modified plan and a demonstration showing how the proposed modifications comply with the rules of this Section. The Division shall respond to the request in writing within the timeline provided in G.S. 130A-295.8(e), and the response shall either approve or deny the request as submitted or request that additional information be submitted for the Division to consider the request. The Division’s approval shall be based on whether the modification complies with the rules of this Subchapter. If the Division approves the request as submitted or upon receiving the additional information requested, the Division’s written approval and the revised pages of the plan shall be added to the site’s operating record. The owner or operator shall not implement the modification until the Division has issued an approval.

(1) Projected use of land after completion of the sanitary landfill;
(2) Anticipated lifetime of the project;
(3) Description of systematic usage of area, operation, orderly development and completion of the sanitary landfill;
(4) Earthwork calculations;
(5) Seeding specifications and schedules;
(6) Calculations for temporary and permanent erosion control measures;
(7) Any narrative necessary to describe compliance with the Sedimentation Pollution Control Act of 1973 (15A NCAC 4);
(8) A discussion of compliance with design requirements in Rule .0503(2) of this Section.

History Note: Authority G.S. 130A 294;
Eff. April 1, 1982;
Amended Eff. January 1, 1985;
Temporary Amendment Eff. October 1, 1987, For a Period of 180 Days to expire on March 29, 1988;
Amended Eff. July 1, 2013; February 1, 1991; September 1, 1990; March 1, 1988;
15A NCAC 13B .0505 is proposed for readoption with substantive changes as follows:

15A NCAC 13B .0505 OPERATIONAL AND CLOSURE REQUIREMENTS FOR INDUSTRIAL SOLID WASTE LANDFILLS SANITARY LANDFILLS

(a) Any person who maintains or operates the owner or operator of an industrial solid waste landfill unit (site) shall maintain and operate the site in conformance with the permit and the plans incorporated into the permit in accordance with Rule .0504(i) of this Section, and with Sections .0600 and .1800 of this Subchapter, and the following: following practices, unless otherwise specified in the permit:

(1) Plan and Permit Requirements
   (a) Construction plans shall be approved and followed.
   (b) Specified monitoring and reporting requirements shall be met.

(2) Spreading and Compacting Requirements
   (a) Solid waste shall be restricted into the smallest area feasible.
   (b) Solid waste shall be compacted as densely as practical into cells.

(1) Cover Requirements:
   (A) Solid waste shall be compacted and covered at the end of after each day of operation, with a compacted layer of at least no less than six inches of soil, suitable cover or as specified by the Division.
   (B) Areas which will not have additional wastes placed on them for the next 12 months, months or more, but where final termination of disposal operations has not occurred, shall be covered with a minimum of no less than one foot of intermediate cover.
   (C) After final termination of disposal operations at the site or a major part thereof, or upon revocation of a permit, the area shall be covered in accordance with the construction plan incorporated into the permit in accordance with Rule .0504(i) of this Section, with at least two feet of suitable compacted earth.

(2) Erosion Control Requirements:
   (A) Adequate erosion control measures shall be practiced to prevent silt from leaving the site.
   (B) Adequate erosion control measures shall be practiced to prevent excessive on-site erosion.
   (C) The site shall comply with 15A NCAC 04.

(3) Drainage Control Requirements:
   (A) Surface water shall be diverted from the operational area.
   (B) Surface water shall not be impounded over or in waste.
   (C) Areas that have been covered in accordance with Subparagraph (1) of this Paragraph shall be adequately sloped to allow surface water runoff in a controlled manner.

(4) Vegetation Requirements:
(A)(a) Within six months after final termination of disposal operations at the site or a major part thereof, or upon revocation of a permit, the site area shall be stabilized with native grasses within the timeframe established in the construction plan incorporated into the permit in accordance with Rule .0504(i) of this Section.

(B)(b) Temporary seeding will shall be utilized as if it is necessary to stabilize the site or prevent erosion.

Water Protection Requirements:

(A)(a) The separation distance of four feet between waste and the seasonal high groundwater table shall be maintained unless otherwise specified by the Division in the permit.

(B)(b) Solid waste shall not be disposed of in water.

(C)(c) Leachate shall be contained on site or properly treated prior to discharge. An NPDES permit issued by the Department of Environmental Quality, Division of Water Resources in accordance with 15A NCAC 02B may be required prior to the discharge of leachate to surface waters.

Access and Security Requirements:

(A)(a) The site shall be adequately secured to prevent unauthorized entry by means of such as gates, chains, berms, or fences, and other security measures approved by the Division, to prevent unauthorized entry.

(B)(b) An attendant individual trained in landfill operations shall be on duty at the site at all times while it is open for public use and during active waste management operations to ensure compliance with operational requirements.

(C)(c) The access road to the site shall be of all-weather construction and maintained in good condition to allow access by Division staff and fire-fighting vehicles.

(D)(d) Dust control measures shall be implemented where necessary.

Sign Requirements:

(A)(a) Signs providing information on disposal dumping procedures, the hours during which the site is open for public use, the permit number, emergency contact information, and other pertinent information specified in the permit conditions shall be posted at the site entrance.

(B)(b) Signs shall be posted stating the types of waste that shall not be accepted at the site, such as hazardous waste, or liquid waste, construction and demolition waste, or municipal solid waste, waste can be received without written permission from the Division.

(C)(c) Traffic signs or markers shall be provided as necessary to promote an orderly traffic pattern to direct traffic to and from the discharge area to minimize traffic congestion and to maintain efficient operating conditions.

Safety Requirements:
(A)(a) Open burning of solid waste is prohibited unless approval has been obtained from the Division, and from the Division of Air Quality in accordance with 15A NCAC 02D .1900, and from the local government prior to any burning activity.

(B)(b) Equipment shall be provided. The owner or operator of the site shall maintain equipment on-site to control accidental fires and arrangements shall be made with the local fire protection agency to immediately provide fire-fighting services when needed.

(C)(c) Fires that occur at the site shall be reported to the Division by verbal notice within 24 hours and a written notification shall be submitted within 15 days.

(D)(d) The removal of solid waste from the site is prohibited unless the owner or operator approves and the removal is not performed on the working face.

(E)(e) Containers such as tubes, barrels, drums, tanks, cans, and bottles shall not be disposed of unless they are empty and perforated sufficiently to ensure that no liquid waste or hazardous waste is contained therein.

Waste Acceptance and Disposal Requirements:

(A)(a) A site shall only accept those solid wastes that it is permitted to receive. The site owner or operator shall notify the Division within 24 hours of attempted disposal of any waste the site is not permitted to receive, including waste from outside the area the site is permitted to serve.

(B)(b) No hazardous waste or liquid waste shall be accepted or disposed of at a site.

(C)(c) Spoiled foods, animal carcasses, abattoir waste, hatchery waste, and other animal waste delivered to the disposal site shall be covered upon receipt. If the site has been permitted by the Division to receive putrescible waste, this waste shall be covered immediately.

(D)(d) Asbestos waste shall be managed in accordance with 40 CFR 61(M). Asbestos waste shall be covered upon receipt, with soil or compacted waste, to prevent airborne conditions. Asbestos waste shall be disposed of using methods that prevent unintended exposure of asbestos by future land-disturbing activities, such as disposal in a marked area separate and apart from other solid wastes or recording the latitude and longitude coordinates of the asbestos area within the existing landfill footprint. The disposal methods shall be described in the operations plan required by Rule .0504(e) of this Section.

Asbestos waste that is packaged in accordance with 40 CFR 61, which is adopted by reference in accordance with G.S. 150B-14(c), may be disposed of separate and apart from other solid wastes at the bottom of the working face or in an area not contiguous with other disposal areas, in either case, in virgin soil. Separate areas shall be clearly marked so that asbestos is not exposed by future land-disturbing activities. The waste shall be covered

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immediately with soil in a manner that will not cause airborne conditions. Copies of 40 CFR 61 may be obtained and inspected at the Division.

(E)(e) Wastewater treatment sludges shall not be accepted for disposal, unless otherwise specified in the site permit, may only be used as a soil conditioner and incorporated into the final two feet of cover. Sludges shall be examined for acceptance by Waste Determination procedures in Rule .0103(a) of this Subchapter.

(10)(12) Miscellaneous Requirements Other Requirements:

(A)(a) Effective vector Vector control measures shall be applied to control flies, rodents, and other insects or vermin, vermin when necessary.

(B)(b) Appropriate Barrier methods such as fencing and diking shall be provided at the site within the area to confine solid waste subject to be blown by the wind. At the conclusion of each day of operation, all windblown material resulting from the operation shall be collected and disposed of returned to the area by the owner or operator.

(C) The owner or operator of a site shall comply with the financial responsibility requirements set forth in G.S. 130A-295.2

(D) A site that accepts scrap tires shall also comply with Section .1100 of this Subchapter.

(E) The owner or operator shall submit to the Division upon request any information or records required to be kept under the conditions of the permit or the rules of this Section.

(b) When a site has ceased the acceptance of waste, closure of the site shall comply with the following requirements:

(1) The owner or operator shall notify the Division in writing that the site has been closed in accordance with the rules of this Section and the construction plan required in accordance with Rule .0504(d) of this Section.

(2) The owner or operator shall provide certification that final cover has been installed as described in the construction plan required in accordance with Rule .0504(d) of this Section.

(3) The Division shall conduct an inspection to determine compliance with closure requirements. If the site has been closed in accordance with the rules of this Section and the construction plan required in accordance with Rule .0504(d) of this Section, the Division shall issue a closure letter to the owner or operator that confirms closure of the site, and provides post-closure conditions for the site as set forth in Paragraph (c) of this Rule.

(c) When a site has been closed in accordance with the requirements of this Rule, post-closure maintenance and water quality monitoring shall be the responsibility of the owner or operator, and shall be specified in the closure letter issued by the Division in accordance with Paragraph (b) of this Rule, and shall comply with Section .0600 of this Subchapter.

(d) When a site has been closed in accordance with this Rule, the permit is terminated. Any future solid waste management or disposal at the site shall require a new permit.
History Note: Filed as a Temporary Amendment Eff. November 1, 1987, For a Period of 180 Days to Expire on April 28, 1988;
Authority G.S. 130A-294;
Eff. April 1, 1982;
Amended Eff. September 1, 1990; February 1, 1988; January 1, 1985;
15A NCAC 13B .0508 is proposed for readoption with substantive changes as follows:

15A NCAC 13B .0508  SITING AND APPLICATION REQUIREMENTS FOR INCINERATORS

Five sets of plans shall be required for each application.

(a) An incinerator for the disposal of solid waste (site) shall meet the following siting requirements:

(1) Floodplain Restrictions: Any portions of the site property containing the incinerator building and areas where storage or processing of solid waste occurs shall not be located in the 100-year floodplain.

(2) Cultural Resources Restrictions: A site shall not damage or destroy a property of archaeological or historical significance that has been listed on the National Register of Historic Places or included on the Study List for the Register pursuant to 07 NCAC 04R .0206 and .0300.

(3) State Nature and Historic Preserve Restrictions: The location, access, size, and operation of the site shall not have an adverse impact on any component included in the State Nature and Historic Preserve pursuant to G.S. 143-260.10.

(4) Endangered and Threatened Species Restrictions: A site shall not jeopardize the continued existence of endangered or threatened species or result in the destruction or adverse modification of a critical habitat, protected under the Federal Endangered Species Act of 1973, Public Law 93-205, as amended.

(5) Clean Water Act requirements: a site or its operations shall:

(A) not cause a discharge of pollutants into waters of the United States, including wetlands, that violates any requirements of the Clean Water Act, including the National Pollutant Discharge Elimination System (NPDES) requirements pursuant to Section 402 of the Clean Water Act.

(B) comply with Section 404 of the Clean Water Act.

(C) not cause the discharge of a nonpoint source of pollution to waters of the United States, including wetlands, that violates any requirement of an area-wide or Statewide water quality management plan that has been approved under Section 208 or 319 of the Clean Water Act.

(6) The permit issued by the Division for the site shall state the site-specific buffer requirements for the site. When determining the site-specific buffers, the Division shall include any buffers required by the incinerator permit issued by the Division of Air Quality for the site. [Note: Incinerators are also subject to the requirements of 15A NCAC 02D.]

(b) A permit applicant shall submit to the Division one electronic copy of a permit application, and the application shall contain the plans described in Paragraphs (c) and (d) of this Rule.

(c) Site Plan. An application for a permit for incinerator for the disposal of solid waste shall contain a site plan that includes the following information:
(1) an aerial photograph, representative of existing conditions, at a scale of at least one inch equals 400 feet, showing the area within one quarter mile of the proposed site's boundaries with the following identified:

(A) property lines of the entire property where the site will be located;
(B) existing land use and zoning;
(C) location of all private residences, commercial and industrial buildings, public or private utilities, roads, and schools;
(D) on-site easements;
(E) location of potable wells and public water supplies;
(F) historic sites described in Paragraph (a)(2) of this Rule;
(G) state nature and historic preserves described in Paragraph (a)(3) of this Rule;
(H) the existing topography and features of the site including general surface water drainage patterns and watersheds, 100-year floodplains, perennial and intermittent streams, rivers, and lakes; and
(I) the classification of the surface water drainage from the site in accordance with 15A NCAC 02B .0300;

(2) a letter from the unit of government having zoning jurisdiction over the site that states that the proposed use is allowed within the existing zoning, if any; that any necessary zoning approval or permit has been obtained, and that states the local zoning buffers that apply to the site;

(3) letters from both the State Historic Preservation Office and the Natural Heritage Program within the Department of Cultural and Natural Resources stating whether the proposed use of the property will impact the historic sites described in Paragraph (a)(2) of this Rule; State nature and historic preserves described in Paragraph (a)(3) of this Rule; or the endangered or threatened species described in Paragraph (a)(4) of this Rule located at the site; and

(4) a copy of the valid air quality permit for the operation of the incinerator issued by the Department of Environmental Quality, Division of Air Quality in accordance with 15A NCAC 02D.

(d) Operations Plan. An application for a permit for incinerator for the disposal of solid waste shall contain an operations plan that shall include a discussion of each of the following items:

(1) the type and quantity of wastes that will be accepted; including the anticipated sources of the wastes accepted, and the intended destination of materials and ash removed from the site;
(2) the procedures for receiving, storing, incineration, and removal of waste and ash, including the anticipated storage and incineration times;
(3) the hours of operation and staffing;
(4) methods for daily cleanup;
(5) record-keeping procedures;
(6) planned compliance with the operational and closure requirements of Rule .0509 of this Section;
(7) a contingency plan that shall address planned operations in the event of loss of power, loss of communications, storm surges, scale malfunctions, and scale software malfunctions; in the event that the disposal site, haul route, or transfer equipment is not available; or during conditions exceeding design parameters. The owner or operator of the site shall provide back-up equipment, and contact information to obtain the equipment, and plans to by-pass the site in case of equipment breakdown. The contingency plan shall be kept updated on-site and shall include site specific emergency procedures and contact information in case of emergencies;

(8) additional information that the Division may request pertaining to the site operations if it is necessary to determine compliance with the rules of this Subchapter; and

(9) in addition to the information required in this Paragraph, incinerators that are permitted by the Division to accept medical waste shall also include the information required by Rule .1204(b)(4) of this Subchapter in the operations plan.

(e) The Division shall review all permit applications in accordance with Rule .0203 of this Subchapter.

(f) Plans and documents submitted in the permit application in accordance with this Rule shall be incorporated into the permit when the permit is issued by the Division, and the site shall comply with the permit in accordance with Rule .0203(d) of this Subchapter.

(g) Permits issued by the Division for incinerators are valid for five years, and are subject to the permit fees set forth in G.S. 130A-295.8.

(h) Sites that received a permit from the Division prior to the readopted effective date of this Rule shall comply with the rules of this Section with the following exceptions:

(1) buildings, structures, and waste handling areas constructed prior to the readopted effective date of this Rule shall not be required to comply with Paragraph (a) of this Rule for the footprint existing on the readopted effective date of this Rule, or any replacements or modifications within that existing footprint; and

(2) if a building, structure, or waste handling area was constructed prior to the readopted effective date of this Rule, and is expanded beyond its existing footprint after the readopted effective date of this Rule, the footprint that was existing on the readopted effective date of this Rule shall not be required to comply with Paragraph (a) of this Rule, but the expansion areas shall comply with these requirements.

(i) Site buildings, structures, and waste handling areas that are exempt from the requirements of Paragraph (a) of this Rule shall continue to comply with the siting and buffer requirements stated in their permit issued prior to the readoption date of this Rule, if any.

(1) Site and operation plans of the proposed incinerator;

(2) A copy of the air quality permit application to the Division of Environmental Management, Department of Environment, Health and Natural Resources;
(3) An approval letter from the unit of local government having zoning authority over the area where
the facility is to be located stating that the site meets all of the requirements of the local zoning
ordinance, or that the site is not zoned; and

(4) The type, quantity and source of waste for disposal.

History Note: Authority G.S. 130A-294;
Eff. April 1, 1982;
Amended Eff. February 1, 1991; September 1, 1990;
15A NCAC 13B .0509 is proposed for readoption with substantive changes as follows:

15A NCAC 13B .0509 OPERATIONAL AND CLOSURE REQUIREMENTS FOR INCINERATORS

(a) Any person who maintains or operates an incinerator for the disposal of solid waste (site) shall maintain and operate the site in conformance with the permit conditions, the plans incorporated into the permit in accordance with Rule .0508(f) of this Section, and the following requirements: following practices, unless otherwise specified in the permit:

(1) All incinerator sites shall be sited, designed, operated, and maintained using safe and sanitary practices for the preservation of the public health and welfare and the environment by preventing the generation of leachate, the attraction of vectors, the release of odors, and the release of waste or leachate to the environment; designed and operated in a manner so as to prevent the creation of a nuisance or potential health hazard;

(2) The incinerator plant shall be so situated, equipped, operated, and maintained as to minimize interference with other activities in the area;

(3) All solid waste to be disposed of at the site shall be confined to the dumping area. Adequate storage facilities shall be provided;

(2) The storage of solid waste at the site shall comply with Rule .0104 of this Subchapter and the conditions of the permit issued by the Division.

(3) Sites that are permitted by the Division to accept medical waste shall also comply with Section .1200 of this Subchapter.

(4) Effective vector control measures shall be applied to prevent or control on-site populations of flies, rodents, and other insects or vermin.

(5) The owner or operator shall provide equipment that is necessary to maintain the site in compliance with Subparagraph (1) of this Paragraph. Equipment shall be provided in the storage and charging areas and elsewhere as needed or as may be required in order to maintain the plant in a sanitary condition;

(6) All ash and waste residue from the site incinerator plant shall be promptly disposed of at an approved sanitary landfill or solid waste management facility permitted by the Division to receive such waste;

(7) An air quality permit issued by the Department of Environmental Quality, Division of Air Quality Division of Environmental Management, Department of Environment, Health, and Natural Resources, shall be obtained prior to site operation;

(8) A site shall only accept those solid wastes which it is permitted to receive;

(9) Water that comes into contact with solid waste leachate shall be contained on-site or properly treated prior to discharge. A NPDES permit issued by the Department of Environmental Quality, Division of Water Resources in accordance with 15A NCAC 02B may be required prior to discharge to surface waters.
(10) The owner or operator shall submit to the Division upon request any information or records required
to be kept under the conditions of the permit or the rules of this Section.

(b) When a site ceases the acceptance of waste, closure of the site shall comply with the following requirements:

(1) The owner or operator shall remove all waste, including ash, from the site property and dispose of
the waste at a facility permitted by the Division to receive such waste no less than 120 days after
the date the incinerator ceased the acceptance of waste.

(2) The owner or operator shall comply with the closure requirements specified in the permits issued
by the Division and the Division of Air Quality, if any.

(3) For a site that accepts medical waste, the owner or operator shall also meet the requirements of
Section .1200 of this Subchapter;

(4) The owner or operator shall notify the Division in writing that the site has been closed in accordance
with this Rule.

(5) The Department shall conduct an inspection to determine compliance with Subparagraphs (1)
through (3) of this Paragraph.

(6) When a site has been closed in accordance with this Paragraph, the permit is terminated, and any
future solid waste management at the site shall require a new permit.

History Note:  Authority G.S. 130A-294;

Eff. April 1, 1982;

Amended Eff. September 1, 1990;

The owner or operator of a closed construction and demolition landfill unit or municipal solid waste landfill unit that is required to comply with this Rule by Rule .0531 of this Section or Rule .1601 of this Subchapter (site) shall comply with the post-closure care requirements specified in the permit conditions, the closure plan for the facility, and the closure letter or permit for closure issued by the Division to the site at or near the time of closure, such as maintenance, water quality monitoring, and explosive gas monitoring. The owner or operator shall also comply with Section .0600 of this Subchapter. The owner or operator shall submit to the Division upon request any information or records required to be kept under the permit conditions, the closure letter, or the rules of this Subchapter.

(a) When the disposal site has been closed in accordance with Rule .0505 of this Subchapter, the operator shall:

   (1) Notify the Division in writing in order that a site inspection may be made by the Division to determine compliance with closure procedures; and

   (2) Provide test holes as specified by the Division, to determine compliance for final cover.

(b) An inspection shall be made by a representative of the Division and a written statement will be supplied to the operator concerning the closure of the site.

(c) When a solid waste disposal site has been closed in accordance with the requirements of the Division, future necessary maintenance and water quality monitoring shall be the responsibility of the owner and the operator and shall be specified in the closure letter.

(d) When a solid waste disposal site has been closed in accordance with the requirements of the Division, the permit is terminated. Any future disposal at the site shall require a new permit.

History Note: Authority G.S. 130A-294;
Eff. April 1, 1982;
Amended Eff. September 1, 1990; February 1, 1988; 1988;
15A NCAC 13B .0562 is proposed for readoption with substantive changes as follows:

**15A NCAC 13B .0562  BENEFICIAL FILL**

A permit is not required for beneficial fill activity that meets all of the following conditions:

1. The fill material consists only of inert debris strictly limited to concrete, brick, concrete block, uncontaminated soil, rock, and gravel.
2. The fill activity involves no excavation.
3. The purpose of the fill activity is to improve land use potential or other approved beneficial reuses.
4. The fill activity is not exempt from, and must comply with, all other applicable Federal, State, and Local laws, ordinances, rules, and regulations, including but not limited to zoning restrictions, flood plain restrictions, wetland restrictions, mining regulations, sedimentation and erosion control regulations. Fill activity shall not contravene groundwater standards.

(a) “Beneficial fill” means a fill activity to level or bring an area to grade for the beneficial purpose of stabilizing the land or improving the land use potential using only inert debris waste.

(b) A solid waste management permit is not required for beneficial fill that meets the following conditions:

1. any soils mixed with the beneficial fill or used for cover shall meet unrestricted use standards for soils as defined in 130A-310.65;
2. excavation shall not be conducted for the purpose of creating a beneficial fill area or expanding the footprint of the existing beneficial fill area;
3. in the absence of local ordinances pertaining to beneficial fill, the activity shall be limited in duration to one year from the initial placement of material and no larger than one acre in size;
4. the beneficial fill shall be setback from an adjacent property line a distance that allows for slope construction and maintenance in accordance with this Rule;
5. the beneficial fill shall be covered with a minimum of one foot of compacted soil and graded at a slope no greater than a three horizontal to one vertical;
6. the beneficial fill is not exempt from, and shall comply with, all other applicable federal, State, and local laws, ordinances, rules, and regulations, including local zoning restrictions, flood plain regulations, wetland regulations, mining regulations, and sedimentation and erosion control regulations;
7. the beneficial fill shall comply with the groundwater quality standards established in 15A NCAC 02L; and
8. beneficial fill shall not be placed in waters of the State, or at or below the seasonal high groundwater table.

(c) Soil generated from properties where there has been no known release of contaminants shall not be subject to regulation as a solid waste.

(d) This Rule does not apply to fill activities solely consisting of soil generated from properties where there has been a release of contaminants, if the soil meets unrestricted use standards for soils as defined in 130A-310.65.
(e) Fill activities using solid waste as the fill material that do not meet the requirements of this Rule are subject to permitting as a solid waste management facility in accordance with this Subchapter.

History Note: Authority G.S. 130A-294;
Eff. January 4, 1993;
15A NCAC 13B .0563 is proposed for readoption with substantive changes as follows:

15A NCAC 13B .0563 APPLICABILITY REQ. FOR LAND CLEARING/INERT DEBRIS (LCID)

LANDFILLS GENERAL REQUIREMENTS FOR LCID LFS

Management of land clearing and inert debris shall be in accordance with the State hierarchy for managing solid waste as provided for under G.S. 130A-309.04(a). Disposal in a landfill is considered to be the least desirable method of managing land clearing and inert debris. Where landfilling is necessary, the requirements of this Rule apply. The owner or operator of a land clearing and inert debris landfill (site) shall obtain a permit from the Division, unless exempted from permitting pursuant to G.S. 130A-294(a)(4)a. A site shall comply with Rules .0564 through .0567 of this Section, and the following requirements:

(1) The site shall accept only yard waste and inert debris waste for disposal. An individual permit from the Division of Solid Waste Management is not required for Land Clearing and Inert Debris (LCID) landfills that meet all of the following conditions:
   (a) The facility is to be operated for the disposal of land clearing waste, inert debris, untreated wood, and yard trash. Operations must be consistent and in compliance with the local government solid waste management plan as approved by the Division of Solid Waste Management.
   (b) The total disposal area is under two acres in size.
   (c) The facility and practices comply with the siting criteria under Rule .0564, and operational requirements under Rule .0566.

(2) The fill activity site is not exempt from, and must comply with all other Federal, federal, State, and local laws, ordinances, Rules, regulations, and orders, including but not limited to zoning regulations, restrictions, flood plain regulations, restrictions, wetland regulations, restrictions, sedimentation and erosion control regulations, requirements, and mining regulations.

Where an individual permit is not required, the following applies:

(a) The owner of the land where the landfill is located must notify the Division on a prescribed form, duly signed, notarized, and recorded as per Sub-item (2)(b) of this Rule. The operator of the landfill, if different from the land owner, shall also sign the notification form.
(b) The owner must file the prescribed notification form for recordation in the Register of Deeds' Office. The Register of Deeds shall index the notification in the grantor index under the name of the owner of the land in the county or counties in which the land is located. A copy of the recorded notification, affixed with the Register's seal and the date, book and page number of recording shall be sent to the Division of Solid Waste Management.
(c) When the land on which the Land Clearing and Inert Debris Landfill is sold, leased, conveyed, or transferred in any manner, the deed or other instrument of transfer shall contain in the description section in no smaller type than that used in the body of the deed.
or instrument a statement that the property has been used as a Land Clearing and Inert Debris Landfill and a reference by book and page to the recordation of the notification.

(3) An individual permit is required, except for landfills subject to Item (5) of this Rule, for the construction and operation of a Land Clearing and Inert Debris (LCID) landfill when:

(a) The facility is to be operated for the disposal of land clearing waste, inert debris, untreated wood, and yard trash. Operations must be consistent and in compliance with the local government solid waste management plan as approved by the Division of Solid Waste Management, and

(b) The total disposal area is greater than two acres in size.

(3)(4) Individual permits. Permits issued by the Division for land clearing and inert debris landfills shall be valid issued for not more than five years; and are subject to the permit fees set forth in G.S. 130A-295.8.

(4)(5) A permit shall not be required for a site that meets the following conditions: Landfilling of land clearing and inert debris generated solely from, and within the right of way of, North Carolina Department of Transportation projects shall be subject to the following:

(a) The site property shall be a project right-of-way owned by the State of North Carolina or the NC Department of Transportation, and the site shall be operated the NC Department of Transportation. Only waste types as described in Sub-item (1)(a) of this Rule may be disposed of within the Department of Transportation right of way.

(b) The site shall accept only land clearing waste and inert debris waste that was generated from within the same NC Department of Transportation project right-of-way that the site is located in. Waste is landfilled within the project right of way from which it was generated.

(c) The site disposal area shall not exceed two contiguous acres in size.

(d) Disposal sites shall comply. The site shall comply with the siting requirements of Rule .0564 of this Section except for Item (10).

(e) Disposal sites are not subject to the requirements of Item (2) of this Rule and Rule .0204 of this Subchapter.

(5) Owners or operators shall not construct or operate more than one site that is exempted from permitting in accordance with G.S. 130A-294(a)(4)a. on any single parcel of land.

(6) Within five years of the readopted effective date of this Rule, the owner or operator of a notified LCIDLF that was not closed prior to the readopted effective date of this Rule shall comply with the requirements of this Rule, or shall close the notified LCIDLF in accordance with Rule .0567(b) of this Section, except that closure does not need to be in accordance with any plans, and the required notification of closure is not required to be certified. For the purpose of this Rule, “notified LCIDLF” means a site that was not required to obtain a permit from the Division prior to the readopted effective date of this Rule because the site was designed and constructed to be two acres.
or less in size, and was required to record a notification for the site with the Register of Deeds’ office
and submit the notification to the Division.

(6) Landfills that are currently permitted as demolition landfills are required to comply with the
following:

(a) Only waste types as described in Sub-item (3)(a) of this Rule may be accepted for disposal,
as of the effective date of this Rule unless otherwise specified in the existing permit.

(b) Operations must be in compliance with Rule .0566 of this Section as of the effective date
of this Rule.

(c) Existing demolition landfills must comply with the siting criteria requirements of these
Rules as of January 1, 1998 or cease operations and close in accordance with these Rules.

History Note: Authority G.S. 130A-294; 130A-301; 130A-301.1;
15A NCAC 13B .0564 is proposed for readoption with substantive changes as follows:

15A NCAC 13B .0564 SITING CRITERIA FOR LCID LAND CLEARING AND INERT DEBRIS (LCID) LANDFILLS

The following siting criteria shall apply for Land Clearing and Inert Debris (LCID) landfills:

A land clearing and inert debris landfill (site) shall meet the following siting criteria:

1. **Floodplain Restrictions.** The site shall not be located in the 100-year floodplain.

2. **Facilities or practices shall not cause or contribute to the taking of any endangered or threatened species of plants, fish, or wildlife.**

3. **Facilities or practices shall not result in the destruction or adverse modification of the critical habitat of endangered or threatened species as identified in 50 CFR Part 17 which is hereby incorporated by reference including any subsequent amendments and editions.** This material is available for inspection at the Department of Environment, Health, and Natural Resources, Division of Solid Waste Management, 401 Oberlin Road, Raleigh, North Carolina 27605 where copies can be obtained at no cost.

4. **Cultural Resources Restrictions.** The site and site operations shall not damage or destroy an archaeological or historical site, a property of archaeological or historical significance that has been listed on the National Register of Historic Places or included on the Study List for the Register pursuant to 07 NCAC 04R .0206 and .0300.

5. **State Nature and Historic Preserve Restrictions.** The site and site operations shall not cause an adverse impact on a state park, recreation or scenic area, or any other lands included in the State Nature and Historic Preserve pursuant to G.S. 143-260.10.

6. **Endangered and Threatened Species Restrictions.** The site and site operations shall jeopardize the continued existence of endangered or threatened species or result in the destruction or adverse modification of a critical habitat, protected under the Federal Endangered Species Act of 1973, Public Law 93-205, as amended.

7. **Clean Water Act requirements.** The site and site operations shall:
   - not cause a discharge of pollutants into waters of the United States, including wetlands, that violates any requirements of the Clean Water Act, including the National Pollutant Discharge Elimination System (NPDES) requirements pursuant to Section 402 of the Clean Water Act.
   - comply with Section 404 of the Clean Water Act.
   - not cause the discharge of a nonpoint source of pollution to waters of the United States, including wetlands, that violates any requirement of an area-wide or Statewide water
quality management plan that has been approved under Section 208 or 319 of the Clean Water Act.

(6) Facilities shall not be located in any wetland as defined in the Clean Water Act, Section 404(b).

(7) It must be shown that adequate suitable soils are available for cover, either on site or from on or off site.

(8) Land Clearing and Inert Debris landfills shall meet the following surface and ground water requirements:

   (a) Facilities or practices shall not cause a discharge of pollutants into waters of the state that is in violation of the requirements of the National Pollutant Discharge Elimination System (NPDES), under Section 402 of the Clean Water Act, as amended.

   (b) Facilities or practices shall not cause a discharge of dredged materials or fill material into waters of the state that is in violation of the requirements under Section 404 of the Clean Water Act, as amended.

   (c) Facilities or practices shall not cause non-point source pollution of waters of the state that violates assigned water quality standards.

   (d) Waste in landfills with a disposal area greater than two acres shall be placed a minimum of four feet above the seasonal high water table, except where an alternative separation is approved by the Division.

   (e) Waste in landfills with a disposal area less than two acres shall be placed above the seasonal high water table.

(6)(9) Buffer Requirements. The facility or the site shall maintain meet the following minimum buffer requirements:

   (a) 50 feet from the waste boundary to all surface waters of the state as defined in G.S. 143-212.

   (b) 100 feet from the waste boundary disposal area to property lines, residential dwellings, commercial or public buildings, and potable wells.

   (c) The Division may establish alternative buffers in the permit conditions if it is necessary for the preservation of public health and the environment. Buffer requirements may be adjusted as necessary to insure adequate protection of public health and the environment.

(7)(10) The site shall establish and maintain an access road around the waste boundary for access by emergency or fire-fighting vehicles and equipment. The facility shall meet all requirements of any applicable zoning ordinance.

(8) The site shall have soil available for cover either on site or from on or off site.

(9) The site and site operations shall comply with 15A NCAC 02L for protection of groundwater quality. The bottom elevation of the waste shall be no less than four feet above the seasonal high groundwater table.
History Note:  

 Authority G.S. 130A-294;


15A NCAC 13B .0565 is proposed for readoption with substantive changes as follows:

15A NCAC 13B .0565 APPLICATION REQUIREMENTS FOR LCID LAND CLEARING/INERT DEBRIS (LCID) LANDFILLS

(a) Five sets of plans, maps, and reports shall be required with each application. A permit applicant for a proposed land clearing and inert debris landfill (site) permit shall submit one electronic copy of an application to the Division that shall contain the following information: The seal of a professional engineer is required when submitting plans for a Land Clearing and Inert Debris (LCID) landfill.

(1) The following information is required in order to review and approve the siting of a Land Clearing and Inert Debris (LCID) landfill: a copy of the deed for the site property including the property owner’s name, the parcel identification number, and a legal description of the property;

(2)(a) An approval letter from the unit of local government having zoning authority over the area where the facility site is to be located stating that the site meets all of the requirements of the local zoning ordinance, or that the site is not zoned;

(3)(b) Location on a county road map showing the location of the site;

(e) Information showing that the bottom elevation of the waste shall be four feet above the seasonal high water table. Seasonal high water table elevations shall be obtained from on-site test borings, test pite, or from other geological or water table investigations, studies, or reports from the immediate area of the proposed facility.

(4) letters from both the State Historic Preservation Office and the Natural Heritage Program within the Department of Cultural and Natural Resources stating whether the proposed use of the property will impact the historic sites described in Rule .0564(a)(2) of this Section; State nature and historic preserves described in Rule .0564(a)(3) of this Section; or the endangered or threatened species described in Rule .0564(a)(4) of this Section located at the site; and

(5)(d) A written report indicating that the facility shall comply with all the requirements set forth under a description of how the site will comply with Rule .0564 of this Section;

(e) A copy of the deed or other legal description of the site that would be sufficient as a description in an instrument of conveyance, showing property owner’s name.

(f) Any other information pertinent to the suitability of the proposed facility.

(6)(2) The following shall be provided on a map or aerial photograph with a scale of at least no less than one inch equals four hundred feet showing the following in an area within one-fourth mile of the site:

(A)(a) Entire the entire property or portion thereof owned or leased by the person providing the disposal site, where the site is proposed to be located.

(B)(b) Location the location of all homes, buildings, public or private utilities, roads, wells, watercourses, water or other impoundments, and any other applicable features or details.
that the Division may request if it is necessary to determine compliance with this Subchapter;

(C)(c) the 100-year floodplain flood plain boundaries, if any;

(D)(d) Wetland boundaries, if any—boundaries of wetlands as defined in Section 404(b) of the Clean Water Act, if any;

(E)(e) Historical or archaeological sites, if any—the boundaries of sites described in Rule .0564(2)
and (3) of this Section, if any.

(f) Park, scenic, or recreation area boundaries, if any.

(7)(3) Development and design plans and details, drawings for the site, at a scale of at least no less than one inch equals one hundred feet, with one inch equals forty feet preferred, and with specifications containing the following information: information shall be submitted with the application for a proposed Land Clearing and Inert Debris (LCID) landfill:

(A)(a) Property or site property boundaries, fully dimensioned with bearings and distances, tied to North Carolina grid coordinates where available; reasonably feasible.

(B)(b) Easements and rights-of-way; easements and rights-of-way;

(C)(c) Existing on site and adjacent structures such as houses, buildings, wells, roads and bridges, water and sewer utilities, septic fields, and storm drainage features.

(D)(d) Proposed and existing roads, points of ingress and egress, and egress along with access controls such as gates, fences, or berms.

(E)(e) Buffer and set back lines along with the buffered boundaries or features;

(F)(f) Springs, streams, creeks, rivers, ponds, and other surface waters and impoundments;

(G)(g) Wetlands, if any.

(H)(h) Boundary of the proposed waste area;

(I)(i) the proposed bottom elevation of the waste in relation to the seasonal high groundwater table;

(J)(j) Existing topography with contours at a minimum of five-foot intervals. Where necessary, a smaller interval shall be utilized if it is necessary to clarify existing topographic conditions;

(K)(k) Proposed excavation, grading, and final contours at a minimum of five-foot intervals. Where necessary, a smaller interval shall be utilized if it is necessary to clarify proposed grading. Excavation, grading, and fill material side slopes shall not exceed a ratio of three horizontal to one vertical; one (3:1).

(L)(l) Where an on site borrow pit for operational and final cover is proposed, indicate the borrow pit excavation and grading plan with contours at a minimum of five-foot intervals.
intervals. Where necessary, a smaller interval shall be utilized if it is necessary to clarify proposed grading.

(M)(4) Proposed surface water control features and devices such as slope drains, storm water pipes, inlets, culverts, and channels.

(N)(m) Information showing that the project meets the requirements of 15A NCAC 04 for sedimentation control; 15A NCAC 4, Sedimentation Control Rules.

(O)(n) Location of test borings or test pits, if used to determine the seasonal high groundwater elevation; and shall be shown on the plans.

(P)(o) A minimum of no less than two cross-sections, one each along each major axis, per operational area showing original elevations, proposed excavation, and proposed final elevations: showing:

(i) Original elevations.

(ii) Proposed excavation.

(iii) Proposed final elevations.

(8)(4) An operations plan addressing the requirements under in Rule .0566 of this Section that shall contain the following information: information shall be submitted with the application for a proposed Land Clearing and Inert Debris (LCID) landfill:

(A)(a) Name, address, and phone number, and e-mail address of the site owner and operator; individual responsible for operation and maintenance of the facility.

(b) Projected use of the land after completion.

(B)(c) Description of systematic usage of disposal area, operation, and development of the site; orderly development and closure of the landfill.

(C)(d) Type, source, and quantity of waste to be accepted; and

(D)(e) An emergency contingency plan, including fire-fighting procedures.

(9) A closure and post-closure plan addressing the requirements in Rule .0567 of this Section that shall contain the following information:

(A) the procedures and schedule for closure of the site;

(B) the projected use of the property after closure of the site; and

(C) the procedures and schedule for post-closure care maintenance, and for post-closure groundwater, surface water, or explosive gas monitoring if it is required by the Division to determine compliance with Rule .0566(11) or (13) of this Section.

(10) Other information that the Division may request if it is necessary to determine compliance with the rules of this Subchapter.

(b) If required by G.S. 89C or 89E and not under the purview of another licensed profession, a licensed professional engineer or licensed geologist shall certify the information submitted in accordance with Subparagraphs (a)(6) through (a)(10) of this Rule.
(c) The Division shall review all permit applications in accordance with Rule .0203 of this Subchapter.

(d) Plans and documents submitted in the permit application in accordance with this Rule shall be incorporated into the permit when the permit is issued by the Division, and the site shall comply with the permit in accordance with Rule .0203(d) of this Subchapter.

(e) Modifications to the plans. The owner or operator may request to modify plans that were incorporated into the permit by the Division in accordance with the Paragraph (d) of this Rule by submitting the request to the Division, including the modified plan and a demonstration showing how the proposed modifications comply with the rules of this Section. The Division shall respond to the request in writing within the timeline provided in G.S. 130A-295.8(e), and the response shall either approve or deny the request as submitted or request that additional information be submitted for the Division to consider the request. The Division’s approval shall be based on whether the modification complies with the rules of this Subchapter. If the Division approves the request as submitted or upon receiving the additional information requested, the Division’s written approval and the revised pages of the plan shall be added to the site’s operating record. The owner or operator shall not implement the modification until the Division has issued an approval.

(f) The permit issued by the Division shall be recorded with the Register of Deeds in the same manner as sanitary landfills in accordance with G.S. 130A-301.

History Note: Authority G.S. 130A-294;

15A NCAC 13B .0566 is proposed for readoption with substantive changes as follows:

**15A NCAC 13B .0566 OPERATIONAL REQUIREMENTS FOR LCIDLFS REQ. FOR LAND CLEARING/INERT DEBRIS (LCID) LANDFILLS**

Land Clearing and Inert Debris (LCID) landfills The owner or operator of a land clearing and inert debris landfill (site) shall comply with the permit conditions, the plans incorporated into the permit in accordance with Rule .0565(d) of this Section, and meet the following operational requirements:

1. Operational plans shall be approved and followed as specified for the facility.
2. The facility site shall only accept those solid wastes that are permitted to receive.
3. Solid waste in the landfill shall be compacted restricted to the smallest area feasible and compacted as densely as practical into cells. Slopes shall not exceed a three horizontal to one vertical ratio at any time.
4. All waste shall be covered with no less than six inches of soil monthly. Adequate soil cover shall be applied monthly, or when the active area reaches one acre in size, whichever occurs first. Any soils used for cover at a site shall meet unrestricted use standards for soils as defined in 130A-310.65.
5. 120 calendar days after completion of any phase of disposal operations, or upon revocation of a permit, the disposal area Areas that will not have additional wastes placed on them for three months or more, but where final termination of disposal operations has not occurred, shall be covered with a minimum of no less than one foot of suitable soil cover sloped to allow direct the flow of surface water from the landfill, and stabilized with vegetative ground cover or other stabilizing material, runoff in a controlled manner. The Division may require further action in order to correct any condition which the Division determines is or may become injurious to the public health, or a nuisance to the community.
6. Adequate erosion control measures, structures, or devices shall be utilized to prevent silt from leaving the site and to prevent excessive on site erosion, and shall comply with 15A NCAC .04.
7. Provisions for a ground cover sufficient to restrain erosion must shall be accomplished within 30 working days or 120 calendar days upon completion of any phase of landfill development.
8. The facility site shall be adequately secured by means of barriers such as gates, chains, berms, and fences, etc. to prevent unauthorized access. Access except when an operator is on duty. An attendant operator shall be on duty at all times while the site landfill is open for public use to assure compliance with operational requirements and to prevent acceptance of unauthorized wastes.
9. Access roads shall be of all-weather construction and shall be maintained to allow access by vehicles transporting waste, Department staff, and fire-fighting vehicles properly maintained.
10. Surface water shall be diverted from the working face and shall not be impounded over waste.
11. Solid waste shall not be disposed of in water.
(a) Open burning of solid waste is prohibited, unless approval has been obtained from the Division, the local government, and the Division of Air Quality in accordance with 15A NCAC 02D.1900 prior to any burning activity.

(b) Hot ashes, hot loads, or cinders shall not be disposed of in the landfill. The waste screening procedures described in the operations plan in accordance with this Rule shall address identification and rejection of loads containing hot ashes and cinders.

(c) The owner or operator shall provide equipment on-site to control fires and make documented arrangements with a local fire protection agency to provide fire-fighting services.

(d) The owner or operator shall provide verbal notification to the Division of fires that occur at site within 24 hours of the fire and shall submit written notification to the Division within 15 days of the fire. The notification shall include the site name and permit number; the date and time of the fire; actions taken by the owner or operator in response to the fire; the cause of the fire; the area, type, and amount of waste that caught fire; and a plan of action to prevent fires in the future; the name and title of the person submitting this information, and the date the information is submitted.

(11) The concentration of explosive gases generated by the site facility shall not exceed:

(a) Twenty-five percent of the lower explosive limit for the gases in facility structures; or

(b) The lower explosive limit for the gases at the property boundary. The Division may require quarterly monitoring of explosive gases if it is necessary to determine compliance with this Subparagraph. If the Division requires monitoring, the Division shall provide written notice of the requirement to the owner or operator.

(12) Leachate shall be contained and managed onsite. Leachate shall be properly managed on site through the use of current best management practices.

(13) A site shall comply with 15A NCAC 02L for the protection of groundwater quality, and the surface water quality standards established in 15A NCAC 02B. Should the Division deem it necessary, ground water or surface water monitoring, or both, may be required as provided for under Rules .0601 and .0602 of this Subchapter.

(14) A sign shall be posted at the facility site entrance showing the site contact name and number, in case of an emergency and the permit number, the permit number, emergency contact information, and the waste types accepted for disposal at the site. The permit number requirement is not applicable for facilities not requiring an individual permit.

(15) Inert debris waste accepted at the site shall be placed within the permitted landfill footprint unless it is being processed for recycling or beneficial reuse. Inert debris waste shall not be placed as beneficial fill as defined in Rule .0562 within the site buffer areas or elsewhere on the property unless stated in the site permit.
(16) The owner or operator shall submit to the Division upon request any information or records required
to be kept under the conditions of the permit or the rules of this Section.

History Note: Authority G.S. 130A-294;
15A NCAC 13B .0567 is proposed for adoption as follows:

15A NCAC 13B .0567 CLOSURE AND POST-CLOSURE CARE REQUIREMENTS FOR LCIDLFS

(a) The owner or operator of a land clearing and inert debris landfill (site) shall implement the closure of the site in accordance with this Rule and the plans incorporated into the permit in accordance with Rule .0565(d) of this Section. The owner or operator shall notify the Division no less than 90 days prior to the expected closure of the site.

(b) Closure Requirements.

(1) The owner or operator of a site shall begin closure activities no later than 30 days after the final receipt of wastes. The disposal area shall be covered with no less than one foot of soil cover sloped to direct the flow of surface water from the landfill and stabilized with vegetative ground cover or other stabilizing material.

(2) The owner or operator of a site shall complete closure activities in accordance with the closure and post-closure care plan incorporated into the permit in accordance with Rule .0565(d) of this Section within 120 days following the beginning of closure.

(3) Within 30 days of completion of closure of the site, the owner or operator shall submit to the Division a certification verifying that closure has been completed in accordance with the closure plan. If required by G.S. 89C, the certification shall be completed by a licensed professional engineer.

(4) When a site has been closed in accordance with this Rule, the permit is terminated. Any future solid waste management or disposal at the site shall require a new permit.

(c) Post-Closure Care Requirements.

(1) Following closure of the site, the owner or operator shall conduct post-closure care in accordance with the closure and post-closure care plan incorporated into the permit in accordance with Rule .0565(d) of this Section, and the following requirements:

(A) maintenance of the integrity and effectiveness of any cap system, including making repairs to the cover to correct the effects of settlement, subsidence, erosion, or other events, and preventing surface water run-on and run-off from eroding or otherwise damaging the cap system;

(B) maintenance of the vegetative cover of the cap, and ensuring that trees and other woody vegetation do not become established on the cap;

(C) maintenance of vehicle and fire-fighting lanes to allow access to the entire waste boundary of the site;

(D) groundwater, surface water, and explosive gas monitoring in accordance with the closure and post closure care plan, if it is required by the Division to determine compliance with Rule .0566(11) or (13) of this Section;
(E) maintenance of the operating record by the owner or operator. The operating record shall
be made available to the Division for inspection upon request during the post-closure care
period; and
(F) any additional actions that the Division may require to correct any condition that the
Division determines may be injurious to the public health or a nuisance to the community.

(2) Property lines shall not be altered to result in reduction of the buffer areas set forth in Rule .0564(6)
of this Section or stated in the site permit.

(3) The buffer areas set forth in Rule .0564(6) of this Section or stated in the site permit shall not be
developed or utilized for residential, commercial, industrial, or institutional purposes, including
above-ground or below-ground construction or improvements such as utilities, roads, parking lots,
and sidewalks.

(4) Post-closure care shall be conducted for 10 years.

History Note: Authority G.S. 130A-294;
15A NCAC 13B .0601 is proposed for readoption with substantive changes as follows:

SECTION .0600 - MONITORING REQUIREMENTS


15A NCAC 13B .0601 GROUND-WATER GROUNDWATER MONITORING

(a) This Rule shall apply to a sanitary landfill that is not subject to Rules .0531 through .0546 or Section .1600 of this Subchapter (site). This Rule shall apply for the life of the site and the post-closure care period of the site.

(b) A site shall be subject to the groundwater requirements and standards in 15A NCAC 02L .0101 through .0114 and 15A NCAC 02L .0201 through .0202.

(c)(a) The Division shall require a solid waste management facility to provide such ground-water monitoring capability as the Division determines to be necessary to detect the effects of the site facility on ground water in the area. In making such a determination, the Division shall consider the following factors:

(1) the design of the site facility, the nature of the processes it will use, and the type of waste it will handle;

(2) soil and other geological conditions in the area;

(3) nearness of ground water to the site facility;

(4) uses that are being or may be made of any ground water that may be affected by the site facility; and

(5) any other factors that reasonably relate to the potential for ground water effects from the site facility.

(b) Responsibility for sample collection and analysis will be defined as a part of the permit condition.

(c) Any other information that the Division deems pertinent to the development of a ground-water monitoring system will be required.

(d) All monitoring wells required pursuant to this Rule shall comply with monitoring well construction standards of 15A NCAC 2C .0105 - .0108. Copies of 15A NCAC 2C may be obtained from and inspected at the Division.

(e) The owner or operator of a site shall submit a record of the monitoring well installation shall be filed with the Division upon completion of the installation of monitoring wells.

(f) Groundwater quality monitoring wells shall be constructed of materials, and by procedures, approved by the Division.

(f) The site shall not cause an exceedance of the groundwater quality standards and interim maximum allowable concentrations established under 15A NCAC 02L .0202 in the uppermost aquifer at the review boundary or compliance boundary as established in 15A NCAC 02L .0107 and .0108.
History Note: Authority G.S. 130A-294;
Eff. April 1, 1982;
15A NCAC 13B.0602 is proposed for readoption with substantive changes as follows:

15A NCAC 13B.0602 SURFACE WATER MONITORING

(a) The Division shall require a solid waste management facility to This Rule shall apply to a sanitary landfill that is not subject to Rules .0531 through .0546 or Section .1600 of this Subchapter (site). This Rule shall apply for the life of the site and the post-closure care period of the site.

(b) The owner or operator of a site shall provide such surface water monitoring capability as the Division determines to be necessary to detect the effects of the site facility on surface water in the area. waters contained on or bordering the site property. In making such a determination, the Division shall consider the following factors:

1. the design of the site facility, the nature of the process it will use, and the type of waste it will handle;
2. drainage patterns and other hydrological conditions in the area;
3. nearness of surface water to the site facility;
4. uses that are being or may be made of any surface water that may be affected by the site facility; and
5. any other factors that reasonably relate to the potential for surface water effects from the site facility.

(b) Responsibility for sample collection and analysis will be defined as a part of the permit conditions.

(c) Any other information that the Division deems pertinent to the development of a surface water monitoring system will be required.

(c) The site shall not cause an exceedance of the surface water standards established under 15A NCAC 02B .0200. If a surface water quality standard is not established in 15A NCAC 02B .0200 for any detected constituent or parameter, the owner or operator shall obtain a determination from the Division on establishing a surface water standard using EPA Nationally Recommended Water Quality Criteria which can be viewed on the Department’s website at https://deq.nc.gov/about/divisions/water-resources/planning/classification-standards/surface-water-standards.

History Note: Authority G.S. 130A-294;

Eff. April 1, 1982. 1982;
15A NCAC 13B .0701 is proposed for readoption as a repeal as follows:

SECTION .0700 - ADMINISTRATIVE PENALTY PROCEDURES

Rules .0701—.0707 of Title 15A Subchapter 13B of the North Carolina Administrative Code (T15A.13B .0701—.0707); have been transferred and recodified from Rules .0701—.0707 of Title 10 Subchapter 10G of the North Carolina Administrative Code (T10.10G .0701—.0707), effective April 4, 1990.

15A NCAC 13B .0701 ADMINISTRATIVE PENALTIES

The following rules shall govern the assessment, remission, mitigation and appeal of administrative penalties imposed by the Division under the Solid Waste Management Act, Article 9 of Chapter 130A of the North Carolina General Statutes.

History Note: Authority G.S. 130A-22(f);
Eff. April 1, 1982;
Amended Eff. September 1, 1990; October 1, 1984;
15A NCAC 13B .0702 is proposed for readoption as a repeal as follows:

**15A NCAC 13B .0702  STANDARDS**

In determining the amount of the administrative penalty, the Division shall consider the following standards:

1. **Nature of the violation and the degree and extent of the harm, including at least the following:**
   1. Type of violation;
   2. Type of waste involved;
   3. Duration of the violation;
   4. Cause (whether resulting from a negligent, reckless or intentional act or omission);
   5. Potential effect on public health and the environment;
   6. Effectiveness of responsive measures taken by the violator;
   7. Damage to private property.

2. **Cost of rectifying any damage.**

3. **The violator’s previous record in complying or not complying with the Solid Waste Management Act and the regulations promulgated thereunder.**

**History Note:** Authority G.S. 130A-22(f);

Eff. April 1, 1982;
Amended Eff. September 1, 1990; October 1, 1984;
15A NCAC 13B .0703 is proposed for readoption as a repeal as follows:

15A NCAC 13B .0703  PROCEDURE FOR ASSESSMENT: REVOCATION OF PERMIT

(a) Depending on the violation involved, the Division may issue a notice of penalty assessment immediately or grant the violator a period of time within which to cease the violation.

(b) For all violations for which a penalty is assessed a notice of such action shall be sent the respondent by registered or certified mail. The notice shall describe the nature of the violation with reasonable particularity, the amount of the penalty for each violation, that each day of a continuing violation constitutes a separate violation, advise that the penalty is now due or that it will become due at the end of a specified time, and advise the respondent of his rights of appeal.

(c) In addition to any assessment that might be appropriate, the Division may suspend or revoke the permit of any facility in accordance with G.S. 130A-23.

(d) The Division or its delegates may modify a penalty upon finding that additional or different facts should have been considered in determining the amount of the assessment or upon finding that the respondent has corrected or mitigated the harm cause by the violation.

History Note: Authority G.S. 130A-22(f);
Eff. April 1, 1982;
Amended Eff. May 1, 1987-1987;
15A NCAC 13B .0704 is proposed for readoption as a repeal as follows:

**PAYMENTS: HEARING**

(a) Within 60 days after receipt of notification of a penalty assessment, payment must be tendered unless a written request for an administrative hearing has been filed pursuant to G.S. 130A-22. All written requests for a hearing shall be made in accordance with G.S. 150B.

(b) Payment may be tendered in conjunction with a hearing request and in such case, the payment shall be accepted as conditional upon final action.

(c) This Rule shall not preclude informal conferences concerning the penalty assessed.

(d) The Division shall acknowledge the receipt of all payments.

**History Note:**

Authority G.S. 130A-22(f);

Eff. April 1, 1982;

Amended Eff. September 1, 1990; February 1, 1988; May 1, 1987;

15A NCAC 13B .0705 is proposed for readoption as a repeal as follows:

15A NCAC 13B .0705   STAY OF PENALTY ASSESSMENT

When an administrative hearing is requested for a purpose other than remission or reduction of the penalty assessed, the penalty will be stayed as of the date of receipt of the request by the Office of Administrative Hearings until service of the final decision or other settlement of the matter.

History Note: Authority G.S. 130A-22(f);
   Eff. April 1, 1982;
   Amended Eff. May 1, 1987;
15A NCAC 13B .0706 is proposed for readoption as a repeal as follows:

**15A NCAC 13B .0706  WAIVER OF ADMINISTRATIVE HEARING**

A respondent waives his right to a hearing when he:

1. submits a written waiver to the Division or its delegates of his right to an administrative hearing;
2. fails to request a hearing within 30 days of receipt of notice of penalty assessment; or
3. fails to attend a scheduled administrative hearing.

History Note: Authority G.S. 130A-22(f);
Eff. April 1, 1982;
Amended Eff. May 1, 1987;
15A NCAC 13B .1301 is proposed for readoption as a repeal as follows:

**SECTION .1300 - DISPOSITION OF FETAL REMAINS**

15A NCAC 13B .1301 MANNER OF DISPOSITION OF FETAL REMAINS

All hospitals, other medical facilities or medical or research laboratories shall dispose of fetal remains by burial, cremation or incineration in accordance with 15A NCAC 13B .1200, except that burial or cremation shall be the only methods of disposal of recognizable fetuses. For purposes of this Rule, a recognizable fetus means a fetus that has developed beyond completion of the second trimester of gestation, consistent with G.S. 90-210.20(c1).

*History Note:* Authority G.S. 130A-309.26;
Eff. October 1, 1990;
Temporary Amendment Eff. December 22, 1997;
Amended Eff. April 1, 1999;