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 as defined in Rule .0101 of this Subchapter 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.
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.

(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 facility as stated in the facility 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 as defined in G.S. 89C-3 or a licensed geologist as defined in G.S. 89E-3.

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 facility 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 facility 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 facility 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 facility 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) Transfer station 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 facility.

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 shall comply with the conditions of the transfer station 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 transfer stations 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 transfer station shall only conduct the solid waste management activities that the facility is permitted to
conduct. Construction and operation of additional solid waste management activities at the transfer station shall not
impede transfer station operations.

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

(j) 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 transfer station.

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) Transfer stations shall meet the following siting requirements:

(1) Floodplain Restrictions: The portions of the transfer station 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 transfer station 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
transfer station 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 transfer station shall not jeopardize the
continued existence of endangered or threatened species or result in the destruction or adverse

Public Law 93-205, as amended.

(5) Clean Water Act requirements: a transfer station 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 facility permit or local zoning requires larger
buffers, the waste loading, unloading, 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) Transfer stations shall meet the following design requirements:
(1) Transfer stations 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 facility 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 facility permit.

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

(4) The transfer station 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 facility. Other activities occurring at a transfer station shall not prohibit compliance with the operational requirements in Rule .0405 of this Section.

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

(6) Leachate, including wash water and process water, shall be collected and contained within the facility collection and containment system approved by the Division in the facility 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 transfer station design shall include barriers such as fencing and gates to prevent unauthorized entry and to minimize the escape of windblown materials offsite.

(10) In accordance with G.S. 130A-295.5, transfer stations shall be designed and operated so that traffic congestion from loading and unloading of collection and transportation vehicles is minimized beyond the facility 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 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 facility.

(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 facility design shall include a storage area for these materials that is separate from the areas used for handling of waste meant for disposal.

(14) Transfer stations shall be designed and operated to prevent the attraction of vectors.
(15) Transfer stations 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) Transfer stations 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) Transfer stations 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;
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.

(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 facility. 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 facility. The facility 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 transfer station. 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 permit. 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 facility’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 solid waste transfer station (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) 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 solid waste transfer station 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 facility,
(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 transfer station;

(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 facilities that will manage pre-sorted recyclables and any materials diverted from the incoming waste stream; and

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

(i) Operations Plan. An application for a permit for a transfer station 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 facility, and the intended destination of recovered materials if any are proposed to be removed from the facility;

(2) the procedures and anticipated processing and storage times for the activities that the transfer station 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 transfer stations that will accept, process, or recycle construction and demolition wastes, a description of how the facility will comply with 40 CFR Part 61(M), G.S. 130A-444 through 452, and the rules adopted thereunder;

(9) for transfer stations 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 facility.

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(6) 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 transfer station shall provide back-up
equipment, and contact information to obtain the equipment, and plans to by-pass the solid waste
facility 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 solid waste transfer station shall contain a closure plan that describes
the steps necessary to close the transfer station at any point during the active life of the facility 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 facility, required for the closure of the facility 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) Transfer stations 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 facility to conduct post-closure care in accordance with
Rule .0406(b) of this Section, the facility shall maintain financial assurance during the post-closure care period until
released from post-closure care by the Division.

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

(m) Transfer stations 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 professional engineer.

*History Note: Authority G.S. 130A-294; Eff. November 1, 2020.*
15A NCAC 13B .0405 is proposed for adoption as follows:

**OPERATIONAL REQUIREMENTS**

(a) The owner or operator shall maintain and operate the facility 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 the facility operations shall comply with 15A NCAC 02D .0540. The facility shall comply with 15A NCAC 02D .1806 for odors.

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


   (A) Open burning of solid waste is prohibited at all facilities, 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 transfer station. The waste screening procedures described in the operations plan in accordance with Subparagraph (8) of this Paragraph shall address identification and rejection of loads containing hot ashes and cinders.

   (C) The operator of a transfer station 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 transfer station 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 facility 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 transfer station shall operate and maintain the facility 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 facility operations, except fire and safety alarms, shall not exceed 85 decibels at the property line.

6. Erosion and Sedimentation Control Requirements. The transfer station shall comply with 15A NCAC 04C, and the owner or operator shall utilize erosion and sedimentation control measures that prevent sediment from leaving the facility 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. Facilities 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. Transfer stations shall comply with the following waste screening requirements:

(A) Facility personnel shall screen incoming loads weekly at a rate of no less than five percent of the average daily waste tonnage reported in the facility’s annual report for the previous year. Facility 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 facility receiving the waste for disposal is a landfill, and wastes that the intended final disposal facility is not permitted by the Division to accept. The screening shall be conducted as described in the approved operations plan prepared in accordance with Paragraph (a) of this Rule. 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 facility 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: Facilities shall not accept the following:

(A) hazardous waste unless the facility 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. Transfer stations 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: Facility staff shall conduct daily inspections for windblown waste on the facility property. Windblown litter from transfer station 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 transfer
station staff. The facility 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 facility 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 facilities with chutes and hoppers; or

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

(11) Facility Cleaning and Maintenance: Unless otherwise stated in the facility 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 transfer station 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 facility shall retain an operating
record in electronic or hard copy format at the facility, 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 facility. 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 facility to include, consistent with G.S. 130A-
309.09D, county and state of generation;

(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) facility 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) Facilities 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 facility 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 facility 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 facility, emergency contact information, the operating hours
of the facility, the permit number of the current permit authorizing operations at the facility, the
types of waste that can be accepted under the permit, and that hazardous waste and liquid waste
cannot be accepted at the facility.

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

15A NCAC 13B .0406 CLOSURE REQUIREMENTS

(a) The owner or operator shall schedule and document closure of all transfer stations 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 transfer station.

(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 facility.

(3) The owner or operator shall remove all waste from the facility in accordance with the requirements of this Subchapter, and complete closure activities of the facility in accordance with the facility 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)(10) of this Section.

(7) Recordation and Land Use Restrictions.

(A) If the facility has been required by the Division to conduct a corrective action program following closure of the facility 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 facility property at the local county Register of Deeds office that is discoverable during a title search for the facility 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 transfer station in accordance with Rule .0405(a)(2) of this Section, the monitoring and corrective action at the transfer station shall continue in a post-closure care period until the Division authorizes termination of corrective action at the transfer station in accordance with 15A NCAC 02L .0106.

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