

SUBCHAPTER 13B - SOLID WASTE MANAGEMENT

SECTION .0100 - GENERAL PROVISIONS

15A NCAC 13B .0101 DEFINITIONS

The definitions in Article 9 of Chapter 130A of the General Statutes and the following definitions shall apply throughout this Subchapter, except for Section .1500 of 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.
- (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) "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 solid waste management 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 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 operate in accordance with Rule .0208(a) of this Subchapter.
- (8) "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, toxins, or materials harmful at the point of end use. Compost is suitable for use as a soil conditioner and may have varying nutrient values.
- (9) "Compost facility" means a solid waste facility established in accordance with Section .1400 of this Subchapter that utilizes a controlled biological process of degrading non-hazardous solid waste. A compost facility may include:
 - (a) materials processing and hauling equipment;
 - (b) structures to control drainage;
 - (c) structures to collect and treat leachate; and
 - (d) storage areas for the incoming waste, the final products, and residual materials.
- (10) "Composting" means the 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.
- (11) "Composting pad" means a surface, whether soil or manufactured, where the process of composting takes place, and where raw and finished materials are stored.
- (12) "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 waste.
- (13) "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.
- (14) "C&D waste" means solid waste generated solely from the construction, remodeling, repair, or demolition operations on pavement and buildings or structures. C&D waste includes municipal and

industrial solid wastes that are identical to materials generated from the construction, remodeling, repair, or demolition operations on pavement and buildings or structures.

- (15) "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 land clearing and inert debris landfill (LCIDLF).
- (16) "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.
- (17) "Division" means the Director of the Division of Waste Management or the Director's authorized representative.
- (18) "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.
- (19) "Explosive gas" means a landfill gas that will propagate a flame in air at 25 degrees Celsius and atmospheric pressure, such as methane or hydrogen sulfide.
- (20) "Floodplain", "base floodplain", "one-hundred-year floodplain", or "100-year floodplain" mean "base floodplain" as defined in G.S. 143-215.52.
- (21) "Foreign matter" means metals, glass, plastics, rubber, bones, and leather, but does not include sand, grit, rocks, or other similar materials.
- (22) "Hazardous waste" means the term as defined in G.S. 130A-290(a)(8). The term does not include those solid wastes excluded from regulation pursuant to 40 CFR 261.4, incorporated by reference in 15A NCAC 13A .0106. The term does include hazardous waste generated by very small quantity generators as defined by 40 CFR 260.10, incorporated by reference in 15A NCAC 13A .0102(b).
- (23) "Incineration" means the disposal of solid, semi-solid, or gaseous combustible wastes through a burning process designed to create a waste gas emission that complies with 15A NCAC 02D and a waste residue containing little or no combustible material; but is not open burning.
- (24) "Incinerator" means a device designed to dispose of solid, semi-solid, or gaseous combustible wastes by incineration.
- (25) "Industrial process waste" means any solid, semi-solid, or liquid waste generated by a manufacturing or processing plant that is a result of the manufacturing or processing process. This definition does not include packaging materials associated with such activities.
- (26) "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.
- (27) "Industrial solid waste landfill" and "ISWLF" mean 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.
- (28) "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.

- (29) "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.
- (30) "Land clearing and inert debris landfill" or "LCIDLF" mean a landfill unit established in accordance with Rules .0563 through .0567 of this Subchapter for the disposal of yard waste and inert debris waste.
- (31) "Land clearing waste" means land-clearing debris that consists solely of stumps, trees, limbs, brush, grass, and other naturally occurring vegetative material.
- (32) "Landfill gas" means a gas or mixture of gases generated by the decomposition of solid waste in a landfill.
- (33) "Licensed geologist" means the term as defined in G.S. 89E.
- (34) "Licensed professional engineer" means "professional engineer" as defined in G.S. 89C.
- (35) "Licensed professional land surveyor" means "professional land surveyor" as defined in G.S. 89C.
- (36) "Licensed soil scientist" means the term as defined in G.S. 89F.
- (37) "Lower explosive limit" means the lowest percent by volume of a mixture of explosive gases that will propagate a flame in air at 25 degrees Celsius and atmospheric pressure.
- (38) "Microbiological waste" means cultures and stocks of etiologic agents. The term includes cultures of specimens from medical, pathological, pharmaceutical, research, commercial, and industrial laboratories.
- (39) "Mulch" means a material generated from the chipping or grinding of naturally occurring wood waste such as tree stumps, limbs, and branches. Mulch shall not contain material generated from engineered, treated, or manufactured wood waste such as creosote telephone poles or railroad ties; 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 may contain material generated from the chipping or grinding of wooden pallets or skids only if the wood used in their construction is naturally occurring and has not been engineered, treated, or manufactured.
- (40) "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.
- (41) "One-hundred-year flood", "100-year flood", or "base flood" means "base flood" as defined in G.S. 143-215.52.
- (42) "Open burning" means the term as defined in 15A NCAC 02D .1902.
- (43) "Pathogens" means organisms that are capable of producing infection or diseases, often found in waste materials.
- (44) "Pathological waste" means the following wastes that are removed during surgery and autopsies: human tissues, organs, body parts, secretions and excretions, and blood and body fluids. It also includes the carcasses and body parts of animals that have been exposed to pathogens 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.
- (45) "Putrescible waste" and "putrescent" mean 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.
- (46) "Regulated medical waste" means blood and body fluids in individual containers in volumes greater than 20 milliliters, microbiological waste, and pathological waste that have not been treated pursuant to Rule .1204 of this Subchapter.
- (47) "Residues from agricultural products and processing" means solids, semi-solids, or liquid residues from food and beverage processing and handling, silviculture, agriculture, and aquaculture operations. The residues shall be non-toxic, non-hazardous, and shall contain no domestic wastewater.
- (48) "Respondent" means the person against whom an administrative penalty has been assessed.
- (49) "Sanitary landfill" means the term as defined in G.S. 130A-290(31). Landfills permitted in accordance with Rules .0503 through .0505 and .0510; Rules .0531 through .0546; and Section .1600 of this Subchapter are sanitary landfills. Land clearing and inert debris landfills are not sanitary landfills.
- (50) "Sediment" means the term as defined in G.S. 113A-52.

- (51) "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.
- (52) "Silt" means sediment resulting from accelerated erosion that is settleable or removable by control measures that are designed, constructed, and maintained and has been transported from its point of origin within the site land-disturbing activity and has been deposited, or is in suspension in water.
- (53) "Silviculture waste" means waste materials produced from the care and cultivation of forest trees, including bark and woodchips.
- (54) "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.
- (55) "Solid waste collector" means any person who collects or transports solid waste by methods such as highway, rail, and navigable waterway.
- (56) "Solid waste generator" means any person who produces solid waste.
- (57) "Spoiled food" means any food that has been removed from sale by the United States Department of Agriculture, the N.C. Department of Agriculture and Consumer Services, or any other regulatory agency having jurisdiction in determining that food is unfit for consumption.
- (58) "Temporary debris storage and reduction site" means a site that complies with the requirements of Rule .0208(b) of this Subchapter for the storage and processing of additional waste generated from the following:
- (a) 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; or
 - (b) a hurricane, tornado, severe storm, ice storm, or a 100-year flood event.
- (59) "Transfer station" 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.
- (60) "Treatment and processing facility" means a facility established in accordance with Section .0300 of this Subchapter for the treatment and processing of solid waste prior to the transportation of solid waste for final disposal or for utilization by reclaiming or recycling.
- (61) "Vector" means a carrier, such as rodents, insects, and birds, that is capable of transmitting a pathogen from one organism to another.
- (62) "Vermicompost" means the product of the vermicomposting process that is a dark, fertile mixture of decomposed organic waste, bedding material, and granular castings.
- (63) "Vermicomposting" means the controlled and managed process by which live worms convert organic materials into vermicompost.
- (64) "Vermiculture" means raising of earthworms for the purpose of vermicomposting.
- (65) "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.
- (66) "Water table" means the term defined in 15A NCAC 02L .0102.
- (67) "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.
- (68) "Working face" means that portion of the solid waste disposal site where solid wastes are discharged, spread, and compacted prior to the placement of cover material.
- (69) "Yard waste" means land-clearing waste and yard trash.

*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;
 Readopted Eff. January 1, 2021.*

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, as well as the rules of this Subchapter.
- (b) The rules of this Subchapter shall not apply to the management of hazardous waste, with the exception of Rule .0103(h) of this Section. 15A NCAC 13A contains requirements for hazardous waste management.
- (c) 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.

History Note: Authority G.S. 130A-294;
Eff. April 1, 1982;
Amended Eff. February 1, 1991; October 1, 1984;
Readopted Eff. January 1, 2021.

15A NCAC 13B .0103 GENERAL 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 the rules of this Subchapter. The Division is responsible for the enforcement of the rules of this Subchapter.

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

(c) Solid waste shall be disposed of 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).

(d) In addition to the requirements of G.S. 130A-309.10, hazardous waste, liquid waste as defined in Rule .0532 of this Subchapter, 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 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.

(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(c) in accordance with the effective date of S.L. 2000-150, s. 5.

(g) All solid waste management facilities owned and operated by or on behalf of a local government shall have scales and shall weigh all solid waste when it is received at the facility.

(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: Authority G.S. 130A-294;
Eff. April 1, 1982;
Temporary Amendment Eff. October 28, 1988, for a Period of 180 Days to Expire on April 26, 1989;
Amended Eff. October 1, 1995; January 4, 1993; February 1, 1991; September 1, 1990;
Readopted Eff. January 1, 2021.

15A NCAC 13B .0104 SOLID WASTE STORAGE

- (a) The owner or occupant of any property, unless exempted from the rules of this Subchapter in accordance with G.S. 130A-294(b), 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 durable, rust-resistant, nonabsorbent, watertight, rodent proof, and cleanable containers with a close-fitting cover that is impervious to flies.
- (c) Refuse shall be stored in durable containers that are consistent with the requirements of the unit of local government.
- (d) All solid waste shall be stored 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.

*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 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 that is permitted by the Division.

(b) The solid waste collector shall transport to a solid waste disposal site or solid waste management 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 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 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 preserve the integrity of the door seal, to prevent the accumulation of mechanical fluids, dirt, leachate, and 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;
Readopted Eff. January 1, 2021.*

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 solid waste disposal site or solid waste management facility that is permitted by the Division to receive such waste in accordance with the rules of this Subchapter.

*History Note: Authority G.S. 130A-294;
Eff. January 1, 1985;
Readopted Eff. January 1, 2021.*

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, processing, or disposal of solid waste upon any real or personal property owned, operated, leased, or in any way controlled by that person without 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 valid permit issued by the Division for the specified type of activity. It is the responsibility of every owner or 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 LCIDLFs, 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, 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 G.S. 130A-301.
- (e) LCIDLFs, septage management facilities, and compost facilities may be issued a combined permit that includes approval to construct and operate the facility.
- (f) All solid waste management facilities shall be operated in conformity with 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.
- (g) Disposal area boundaries for landfills permitted in accordance with Sections .0500 or .1600 of this Subchapter shall be delineated with stationary markers affixed to the ground. The markers shall be of 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 to determine compliance with the rules of this Subchapter. 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;
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;
Readopted Eff. January 1, 2021.*

15A NCAC 13B .0202 PERMIT APPLICATION

(a) Applications for permits required by Rule .0201 of this Section shall be submitted to the Department of Environmental Quality, Division of Waste Management, Solid Waste Section, 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) plans and specifications for solid waste management facilities shall be prepared and certified by a licensed professional engineer if required by G.S. 89C, and is not under the purview of another licensed professional such as a licensed professional land surveyor. Geological studies shall be certified by a licensed geologist, if required by G.S. 89E, and is not under the purview of another licensed profession such as a licensed soil scientist in accordance with G.S. 89F;
- (4) any additional permit application information required to be submitted by the rules of this Subchapter based on the type of facility proposed by the applicant; and
- (5) other information that the Division may request in writing for the proposed facility, if it is necessary to determine compliance with the requirements of this Subchapter.

(b) 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).

(c) 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).

(d) 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;
Amended Eff. January 4, 1993; February 1, 1991; September 1, 1990; August 1, 1988;
Readopted Eff. January 1, 2021.*

15A NCAC 13B .0203 PERMIT APPROVAL OR DENIAL

(a) Upon receipt of a permit application, the Division shall review the request to assure that all provisions of the rules of this Subchapter, Article 9 of Chapter 130A of the General Statutes, and the Federal Resource Conservation and Recovery Act of 1976, Public Law 94-580, 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.

(d) By receiving solid waste at a permitted facility, the permittee shall be considered by the Department 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 that will be required for the applicant 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:

- (1) submission of incomplete information;
- (2) failure to meet the requirements of this Subchapter;
- (3) failure to meet a requirement or standard set forth in Article 9 of Chapter 130A of the General Statutes; or
- (4) siting, design, construction, or operation plans that would prevent the solid waste management facility or site from being operated in accordance with Article 9 of Chapter 130A of the General Statutes, the rules of this Subchapter, the Federal Resource Conservation and Recovery Act of 1976, Public Law 94-580, as amended, or any applicable standards and requirements of G.S. 89C, 89E, or 89F.

(f) Appeals of permit decisions shall be in accordance with Article 3 of Chapter 150B of the General Statutes and the rules adopted thereunder.

(g) The Secretary may suspend or revoke a permit in accordance with G.S. 130A-23. If the Secretary revokes or suspends a permit, the Department 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;
Readopted Eff. January 1, 2021.*

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 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 shall be for the life-of-site as defined in G.S. 130A-294(a2).

(b) A permit application for a sanitary landfill for the life-of-site 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.

(c) A sanitary landfill that has an existing permit issued by the Division prior to July 1, 2016 shall be approved for a 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 in the site development or facility plan;
- (2) landfill capacity in years, projected for the life-of-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.

(d) Each phase within a 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 as stated in the site development or facility plan.

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

(f) A transfer station that has an existing permit 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 the site for the transfer station. The duration of the life-of-site shall be stated in the request.

*History Note: Authority G.S. 130A-294;
Eff. March 16, 2017;
Amended Eff. January 1, 2021.*

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 of Chapter 130A of the General Statutes, the rules of this Subchapter, and the following conditions:

- (1) 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.
- (2) 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.
- (3) Source-separated recyclables such as paper, plastic, and electronics that would 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 (1) of this Paragraph, and shall be managed in accordance with G.S. 130A-309.05(c).
- (4) 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 G.S. 130A-309.10.
- (5) 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 of Chapter 130A of the General Statutes or the rules of this Subchapter.

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.

(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 of Chapter 130A of the General Statutes, the rules of this Subchapter, and the following conditions:

- (1) 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; or
 - (B) a hurricane, tornado, severe storm, ice storm, or a 100-year flood event.
- (2) The landowner or operator of the site shall submit notification of the proposed site to the Division on a site evaluation form, which may be found on the Division's website at <https://deq.nc.gov/about/divisions/waste-management/waste-management-permit-guidance/solid-waste-section/disaster-debris>, 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) primary operator contact name, telephone number, and e-mail address, and any business name;
 - (C) local government contact name, telephone number, and e-mail address;
 - (D) landowner name, mailing address, telephone number, and e-mail address;
 - (E) waste types proposed to be accepted;

- (F) proposed site operations and procedures for waste acceptance, handling, reduction, and removal;
 - (G) proposed destination of waste or materials removed from the site; and
 - (H) an aerial photograph indicating the proposed waste handling areas at the site and the buffer areas required in accordance with this Rule.
- (3) 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 Subparagraph with authorization of the landowner.
- (4) 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 or chipping of waste shall not occur within 300 feet of a residence or business property or publicly owned roads or 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 is incorporated by reference, including subsequent amendments and editions, and 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 that are not in the 100-year floodplain, the need for additional sites following a disaster event, 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, which are incorporated by reference including subsequent amendments. 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. 15A NCAC 04 is incorporated by reference including subsequent amendments.

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 event. If the Division amends the buffer requirements, the Division shall notify the site owner or operator by email.

- (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.
- (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, unless the owner or operator submits a written request for an extension of time for waste removal, and the Division grants the extension in writing. In making the determination to grant the extension, the Division shall consider factors such as:
- (A) the type of disaster event;
 - (B) the effects on the part of the State in which the disaster event occurred;
 - (C) the amount and types of waste stored at the site;
 - (D) the efforts taken by the owner or operator to remove the waste;
 - (E) the compliance history of the owner or operator; and
 - (F) 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;
Eff. January 1, 2021.*

SECTION .0300 – TREATMENT AND PROCESSING FACILITIES

15A NCAC 13B .0301 SITING AND APPLICATION REQUIREMENTS

(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, which are incorporated by reference including subsequent amendments.
- (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; and
 - (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, which 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 Subparagraph (a)(2) of this Rule;
 - (I) State nature and historic preserves described in Subparagraph (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 any existing zoning and 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 Natural and Cultural Resources stating whether the proposed use of the site will impact the historic sites described in Subparagraph (a)(2) of this Rule; State nature and historic preserves described in Subparagraph (a)(3) of this Rule; or the endangered or threatened species described in Subparagraph (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 the following information:
- (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 Subparagraph (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) a description of how the site will comply 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 61, Subpart M, and G.S. 130A-444 through 452;
 - (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, 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 is proposing that are not otherwise described in this Paragraph, or that the Division may request in writing 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 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 shall be valid for five years; and shall be 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 submitting a written request to the Division that includes 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.

(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:

- (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 permitted operational boundary of the site existing on the readopted effective date of this Rule, or any replacements or modifications within that existing permitted operational boundary; 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 the existing permitted operational boundary after the readopted effective date of this Rule, the permitted operational boundary 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 any siting and buffer requirements stated in their permit issued prior to the readoption date of this Rule.

*History Note: Authority G.S. 130A-294;
Eff. April 1, 1982;
Amended Eff. February 1, 1991;
Readopted Eff. January 1, 2021.*

15A NCAC 13B .0302 OPERATIONAL AND CLOSURE REQUIREMENTS

(a) The owner or operator of a treatment and processing facility (site) shall maintain and operate the site in accordance with the permit conditions and the plans incorporated into the permit in accordance with Rule .0301(f) of this Section, and the following requirements:

- (1) a site shall only accept wastes that it is permitted to receive;
- (2) leachate shall be contained on-site or treated prior to discharge from the site. A National Pollutant Discharge Elimination System (NPDES) permit may be required by the Department's Division of Water Resources prior to discharge to surface waters;
- (3) equipment for fire control shall be available;
- (4) vector control measures shall be applied to control flies, rodents, and other insects or vermin;
- (5) the owner or operator shall provide equipment to operate and 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;
- (6) barrier methods such as fencing or diking shall be provided to confine material subject to be blown by the wind within the site. At the conclusion of each day of operation, all windblown material resulting from the operation shall be collected and disposed of or containerized by the owner or operator;
- (7) sites that are permitted by the Division to accept scrap tires shall also comply with Section .1100 of this Subchapter;
- (8) sites that are permitted by the Division to accept medical waste shall also comply with Section .1200 of this Subchapter;
- (9) sites shall comply with 15A NCAC 02D, 02L, and the surface water quality standards in 15A NCAC 02B, as well as 15A NCAC 04;
- (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; and
- (11) 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;
Readopted Eff. January 1, 2021.*

SECTION .0400 - TRANSFER STATIONS

15A NCAC 13B .0401 PURPOSE AND APPLICABILITY

(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 permitted operational boundary of the transfer station existing on the readopted effective date of this Rule, or any replacements or modifications within that existing permitted operational boundary; 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 the existing permitted operational boundary of the transfer station after the readopted effective date of this Rule, the permitted operational boundary 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 readopted effective date of this Rule.

(b) Transition period: Transfer stations that have an effective permit issued 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 or parts thereof 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 any changes required to comply with the rules of this Section.
- (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 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;
Readopted Eff. January 1, 2021.*

15A NCAC 13B .0402 GENERAL REQUIREMENTS

- (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 minimize the release of waste, leachate, or contaminants to the environment, and shall prevent adverse impacts to human health or the environment.
- (b) The owner or operator shall submit to the Division upon written 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 shall be 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;
Readopted Eff. January 1, 2021.

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; and
 - (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 floors shall be located within an enclosed building or covered area to prevent precipitation from coming into contact with waste, and all waste shall be managed on the tipping floors unless otherwise stated in the site permit. For the purpose of the rules of this Section, "tipping floor" means the area where waste is offloaded from residential or commercial vehicles, and staged and consolidated for transport to its intended disposal location.
- (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 comply with Rule .0405(c) of this Section.
- (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 61, Subpart M, and G.S. 130A-444 through 452.

History Note: Authority G.S. 130A-294;
Eff. January 1, 2021.

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 shall be 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. A permit applicant shall submit to the Division one electronic copy of a permit application, which shall contain 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 submitting a written request to the Division that includes 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 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 any existing zoning and 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 Natural and Cultural Resources stating whether the proposed use of the property 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 at the site.

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

- (1) Site 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 the following information:

- (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) a description of how the site will comply 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 61, Subpart M, and G.S. 130A-444 through 452;
- (9) for sites designed with a leachate collection system, a leachate management plan that includes the following information:
 - (A) 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;
 - (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(b)(4) 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 in writing 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 the closure activities as set forth in Rule .0406 of this Section;
 - (3) the cost estimate for closure and post-closure care 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(c) 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;
Eff. January 1, 2021.*

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 operations plan incorporated into the permit by Rule .0404(d) 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 Requirements. The site shall prevent the release of leachate and contaminants to groundwater and surface water and shall not cause an exceedance of the groundwater quality standards in 15A NCAC 02L or the surface water quality standards in 15A NCAC 02B. In the event of a release of leachate or contaminants to the environment, the site shall comply with 15A NCAC 02L.
- (3) Fire Protection and Control.
 - (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, cinders, and waste that is smoldering, smoking, or burning 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 this waste.
 - (C) The operator of a site shall provide equipment on-site to control fires and make 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 location and size of the fire; the type and amount of waste that caught fire; 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 written 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, polychlorinated biphenyl (PCB) wastes, 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 biphenyl (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; and
 - (E) waste banned by local law or ordinance at the disposal destination.
- (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 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 written 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 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 to be leak-resistant in accordance with Rule .0105 of this Subchapter, or shall be stored so that any leachate from the vehicles or containers will be collected to prevent the release of leachate to the environment.

(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-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 15A NCAC 02L .0106.
- (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 to the public. The signs shall state 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;
Eff. January 1, 2021.*

15A NCAC 13B .0406 CLOSURE REQUIREMENTS

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

- (1) The owner or operator shall submit written notification of closure to the Division no less than 90 days prior to the proposed date of cessation of waste acceptance at the site.
- (2) The owner or operator shall begin closure activities in Paragraph (b) of this Rule no later than 30 days after the date of the final receipt of waste at the site.
- (3) The owner or operator shall complete closure activities in Paragraph (b) of this Rule within 180 days after beginning the closure activities as specified in Subparagraph (2) of this Paragraph.
- (4) When the requirements of Paragraph (b) have been met, the owner or operator shall notify the Division in writing that the requirements have been met. The notification shall state 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 in this Rule have been met.

(b) The owner or operator shall complete the following closure activities to close the site:

- (1) The owner or operator shall remove all waste from the site in accordance with the requirements of this Subchapter.
- (2) Leachate collection systems, if present, shall be closed in accordance with the leachate management plan incorporated into the permit by Rule .0404(d) of this Section.
- (3) The owner or operator shall complete any closure activities stated in the closure plan incorporated into the permit by Rule .0404(d) of this Section.
- (4) 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 submit to the Division a notice for the site property that has been recorded at the county Register of Deeds office that meets the following criteria:
 - (A) The notice shall be discoverable during a title search for the site property deed.
 - (B) The notice shall be in accordance with G.S. 130A-310.71(e) or G.S. 143B-279.10.
 - (C) 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) If the Division requires groundwater or surface water monitoring or corrective action at the 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.

(d) The owner or operator may submit a written request to the Division after closure to remove the land-use restrictions required by Subparagraph (b)(4) of this Rule. If the Division approves removal of the land-use restrictions, the Division shall provide approval documentation to the landowner stating that the land-use restrictions at the site have been removed, and the landowner may record the approval documentation with the county Register of Deeds. The Division shall approve the removal of land-use restrictions if the following conditions are met:

- (1) all post-closure care activities required by the rules of this Section have been completed;
- (2) the Division authorizes termination of any corrective action program in accordance with 15A NCAC 02L .0106; and
- (3) any leachate collection system has been removed.

*History Note: Authority G.S. 130A-294;
Eff. January 1, 2021.*

SECTION .0500 - DISPOSAL SITES

15A NCAC 13B .0501 APPROVED DISPOSAL METHODS

15A NCAC 13B .0502 OPEN DUMPS

*History Note: Authority G.S. 130A-294;
 Eff. April 1, 1982;
 Amended Eff. August 1, 2008; October 9, 1993; January 4, 1993; December 1, 1990; September 1,
 1990; August 1, 1988; February 1, 1988;
 Repealed Eff. January 1, 2021.*

15A NCAC 13B .0503 SITING AND DESIGN REQUIREMENTS FOR INDUSTRIAL SOLID WASTE LANDFILLS

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

- (1) Floodplain Restrictions: 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.
- (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.
- (5) A 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
- (6) A site shall have available soils for cover either on-site or from off-site.

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

- (1) 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) twenty-five percent of the lower explosive limit for the explosive gases in on-site structures, excluding gas control or recovery system components; and
 - (B) the lower explosive limit for the explosive gases at the property boundary;
- (2) A site shall be secured to prevent unauthorized entry by means such as gates, chains, berms, and fences.
- (3) A site shall meet the following surface water requirements:
 - (A) a site 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, or that is in violation of 15A NCAC 02B;
 - (B) a site shall not cause a discharge of dredged material 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, or G.S. 113A, 130A, or 143;
 - (C) a site shall not cause non-point source pollution of waters of the State that violates 15A NCAC 02B; and
 - (D) a site shall comply with Rule .0602 of this Subchapter.
- (4) A site shall meet the following groundwater protection requirements:
 - (A) A site shall comply with G.S. 130A-295.6(f).
 - (B) 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. FML components consisting of high-density polyethylene (HDPE) shall be no less than 60 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 1×10^{-7} centimeters per second. The FML component shall be installed in direct and uniform contact with the compacted soil component.
 - (C) An owner or operator applying for a permit for a site that has not previously been permitted by the Division as 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 demonstrates that the post-settlement bottom elevation of the waste will be a minimum of four feet above both the seasonal high groundwater table, as

defined in Rule .0532 of this Section, and the bedrock datum plane contours as required by G.S. 130A-295.6(f). The site design shall also demonstrate that the groundwater quality standards or interim maximum allowable contaminant levels established under 15A NCAC 02L will not be exceeded in the uppermost aquifer at the compliance boundary established by the Division in accordance with 15A NCAC 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.

- (D) A site shall comply with Rule .0601 of this Subchapter.
- (5) 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) A site shall meet the following buffer requirements:
 - (A) 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 between all property lines and disposal areas;
 - (B) A site shall have a buffer of no less than 500 feet between the disposal area and residential structures and supply wells existing at the time that the Division issues the site study approval in accordance with Rule .0504(a)(1) of this Section; and
 - (C) 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; and
- (7) A site shall comply with the requirements in 15A NCAC 04 for sedimentation and erosion control.

*History Note: Authority G.S. 130A-294;
Eff. April 1, 1982;
Amended Eff. October 1, 1995; January 4, 1993; February 1, 1991; September 1, 1990;
Readopted Eff. January 1, 2021.*

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

(a) The permit applicant for an industrial solid waste landfill (ISWLF) unit (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 in writing 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, as well as any site-specific conditions and design requirements stated in the notification; or
- (2) the site is deemed unsuitable for establishing an ISWLF unit and the reasons that prevent the ISWLF unit from being operated in accordance with Article 9 of Chapter 130A 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 Subparagraph (a)(1) of this Rule, the permit applicant shall submit to the Division one electronic copy of a permit application, which 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 one inch equals 400 feet showing the area within one-fourth mile of the proposed site's boundaries with the following identified:
 - (A) entire property owned or leased by the person proposing the 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 details regarding the general topography; and
 - (E) floodplains.
- (2) A map on a scale of at least one inch equals 1,000 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.
- (3) A geological and hydrological study of the site that provides:
 - (A) soil borings for which the numbers, locations, and depths provide an understanding of the subsurface conditions and groundwater flow regime of the uppermost aquifer at the site. The number and depths of borings required will depend on the hydrogeologic characteristics of the site. The borings and lab testing of selected soil samples from the borings shall provide:
 - (i) standard penetration resistance;
 - (ii) particle size analysis;
 - (iii) soil classification using the Unified Soil Classification System;
 - (iv) geologic considerations such as slopes and solution features;
 - (v) undisturbed representative geologic samples of the unconfined or confined or semiconfined hydrological units within a depth of 50 feet that provide for each major lithologic unit the saturated hydraulic conductivity or by in-situ; volume percent water, and porosity; and
 - (vi) remolded sample of cover soils that provide the saturated hydraulic conductivity, total porosity, and atterberg limits;
 - (B) boring logs;
 - (C) stratigraphic cross sections identifying hydrogeologic and lithologic units and stabilized water table elevations;
 - (D) water table information, including:
 - (i) tabulation of water table elevations at time of boring, 24 hours after boring, and seven days after boring;
 - (ii) tabulations of stabilized water table elevations over time in order to develop an understanding of seasonal fluctuations in the water table;
 - (iii) an estimation of the seasonal high water groundwater table, as defined in Rule .0532 of this Section, based on stabilized water table readings, hydrographs of wells in the area, precipitation and other meteorological data, and any other information available; and

- (iv) a description of any natural or man-made activities that have the potential for causing water table fluctuations, including tidal variations, river stage changes, flood pool changes of reservoirs, high volume production wells, and injection wells;
 - (E) a groundwater contour map based on the estimated long-term seasonal high water groundwater table that is superimposed on a topographic map and includes the location of all borings and rock cores and the water table elevations or potentiometric data at each location used to generate the groundwater contours;
 - (F) a topographic map of the site locating soil borings with horizontal and vertical controls that are tied to a permanent onsite benchmark; and
 - (G) a report summarizing the geological and hydrological evaluation.
 - (4) A conceptual design plan for the development of the facility including any special engineering features that the applicant is proposing.
 - (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 a site used to dispose of waste generated solely by the permit applicant.
 - (6) A letter from the unit of government having zoning jurisdiction over the site that states that the proposal meets all of the requirements of the local zoning ordinance, or that the site is not zoned.
 - (7) A description of how the site complies with the siting standards in Rule .0503(a) of this Section.
 - (8) A report that includes the following information:
 - (A) population and area to be served;
 - (B) type, quantity, and source of waste that will be disposed of at the site;
 - (C) the equipment that will be used for operating the site; and
 - (D) a proposed water quality monitoring plan including surface water sampling locations, well locations, and well schematics showing proposed screened interval, depth, and construction.
 - (9) Letters from both the State Historic Preservation Office and the Natural Heritage Program within the Department of Natural and Cultural 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.
- (d) Construction Plan. An application for a permit for the site shall contain a construction plan that shall include the following information:
- (1) a map showing existing features including existing topography of the site on a scale of at least one inch equals 200 feet with five-foot contours, benchmarks, springs, streams, potential groundwater monitoring sites, pertinent geological features, and soil boring locations;
 - (2) 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;
 - (3) a site development plan showing the following:
 - (A) phases or progression of construction and operation in increments of five years up to the life-of-site of the ISWLF;
 - (B) engineering design for liners and leachate collections systems;
 - (C) proposed final contours showing removal of surface water runoff; and
 - (D) locations of slope drains or other drop structures;
 - (4) an erosion control plan that identifies the following:
 - (A) locations of temporary erosion control measures such as sediment basins, stone filters, terraces, or silt fences;
 - (B) locations of permanent erosion control measures such as rip rap, energy dissipators, ditch stabilization, or pipe drains; earthwork calculations; calculations for temporary and permanent erosion control measures; a description of how the site complies with 15A NCAC 04 for sedimentation and erosion control; and

- (C) seeding specifications and schedules;
 - (5) engineering diagrams showing sections of dikes, trenches, diversions, and sediment basins;
 - (6) two cross sections per operational area showing soil borings, original elevations, proposed excavated depths, proposed final elevations, and the seasonal high groundwater table and bedrock datum plane contours in accordance with Rule .0503(b)(4)(C) of this Section; and
 - (7) a description of how the site complies with the design requirements in Rule .0503(b) of this Section.
- (e) 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 for the site property, including the property owner's name, the parcel identification number, and a legal description of the property;
 - (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 description of how the site complies with the operational requirements in Rule .0505 of this Section; and
 - (5) a description of how the site complies 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 the land after closure;
 - (2) a description of the post-closure care period of the site, including maintenance and monitoring procedures, and a description of how the site will comply with Section .0600 of this Subchapter; and
 - (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 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 submitting a written request to the Division that includes 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.

*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;
Readopted Eff. January 1, 2021.*

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

(a) 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:

- (1) Solid waste shall be managed within the disposal area throughout the life-of-site and post-closure care period to prevent the escape of waste and the attraction of vectors and scavenging, and to minimize fires and the generation of odors. The owner or operator shall comply with this requirement using either the following compaction and cover procedures, or other procedures that the owner or operator may include in the operations plan and the closure and post-closure plan required by Rule .0504 of this Section that shall be as effective as the compaction and cover procedures:
 - (A) Solid waste shall be compacted.
 - (B) Solid waste shall be covered at the end of each day of operation with a compacted layer of no less than six inches of soil.
 - (C) Areas that will not have additional wastes placed on them for the next 12 months, but where final termination of disposal operations has not occurred, shall be covered with no less than one foot of compacted soil.
 - (D) After final termination of disposal operations at the site or upon revocation of a permit, the area shall be covered with no less than two feet of compacted soil.
- (2) Erosion Control Requirements:
 - (A) Erosion control measures shall be practiced to prevent silt from leaving the site.
 - (B) Erosion control measures shall be practiced to prevent 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 sloped to allow surface water runoff in a controlled manner.
- (4) Vegetation Requirements:
 - (A) After final termination of disposal operations at the site or upon revocation of a permit, the site 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) Temporary seeding shall be utilized if it is necessary to stabilize the site or prevent erosion.
- (5) Water Protection Requirements:
 - (A) The separation distance of four feet between waste and the seasonal high groundwater table as defined in Rule .0532 of this Section shall be maintained.
 - (B) Solid waste shall not be disposed of in water.
 - (C) Leachate shall be contained on site or treated prior to discharge. A National Pollutant Discharge Elimination System (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.
- (6) Access and Security Requirements:
 - (A) The site shall be secured to prevent unauthorized entry by means such as gates, chains, berms, or fences.
 - (B) An individual trained in landfill operations in accordance with G.S. 130A-309.25 shall be on duty at the site while the site is open for public use and during any waste management operations to ensure compliance with operational requirements.
 - (C) The access road to the site shall be of all-weather construction and maintained to allow access by Division staff and fire-fighting vehicles.
 - (D) Dust control measures shall be implemented.
- (7) Sign Requirements:
 - (A) Signs providing information on disposal procedures, the hours during which the site is open for public use, the permit number, emergency contact information, and other information specified in the permit conditions shall be posted at the site entrance.

- (B) Signs shall be posted stating the types of waste that shall not be accepted at the site, such as hazardous waste, liquid waste, construction and demolition waste, or municipal solid waste.
 - (C) Traffic signs or markers shall be provided to direct traffic to and from the discharge area to minimize traffic congestion.
- (8) Safety Requirements:
- (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) 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 provide fire-fighting services.
 - (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) 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) Containers such as tubes, barrels, drums, tanks, cans, and bottles shall not be disposed of unless they are empty and perforated to ensure that no liquid waste or hazardous waste is contained therein.
- (9) Waste Acceptance and Disposal Requirements:
- (A) A site shall only accept those 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) No hazardous waste or liquid waste shall be accepted or disposed of at a site.
 - (C) If the site has been permitted by the Division to receive putrescible waste, this waste shall be covered upon receipt.
 - (D) Asbestos waste shall be managed in accordance with 40 CFR 61, Subpart 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.
 - (E) Wastewater treatment sludges shall not be accepted for disposal, unless otherwise specified in the site permit.
- (10) Other Requirements:
- (A) Vector control measures shall be applied to control flies, rodents, and other insects or vermin.
 - (B) Barrier methods such as fencing and diking shall be provided at the site 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 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 written 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 closure and post-closure care plan required in accordance with Rule .0504(f) 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 closure and post-closure

care plan required in accordance with Rule .0504(f) 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. The owner or operator shall comply with Section .0600 of this Subchapter. The site-specific post-closure maintenance requirements shall be specified in the closure letter issued by the Division in accordance with Subparagraph (b)(3) of this Rule.

(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: Authority G.S. 130A-294;
Eff. April 1, 1982;
Amended Eff. January 1, 1985;
Temporary Amendment Eff. November 1, 1987, For a Period of 180 Days to Expire on April 28, 1988;
Amended Eff. September 1, 1990; February 1, 1988;
Readopted Eff. January 1, 2021.*

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

(a) An incinerator (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 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; and
 - (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.

(b) A permit applicant shall submit to the Division one electronic copy of a permit application, which 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) 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 Subparagraph (a)(2) of this Rule;
 - (G) State nature and historic preserves described in Subparagraph (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 any existing zoning and 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 Natural and Cultural Resources stating whether the proposed use of the property will impact the historic sites described in Subparagraph (a)(2) of this Rule; State nature and historic preserves described in Subparagraph (a)(3) of this Rule; or the endangered or threatened species described in Subparagraph (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 a site shall contain an operations plan that shall include the following information:
- (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) a description of how the site will comply 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 in writing 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 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 shall be valid for five years, and shall be 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 permitted operational boundary existing on the readopted effective date of this Rule, or any replacements or modifications within that existing permitted operational boundary; 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 the existing permitted operational boundary after the readopted effective date of this Rule, the permitted operational boundary 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 any siting and buffer requirements stated in their permit issued prior to the readoption date of this Rule.

*History Note: Authority G.S. 130A-294;
Eff. April 1, 1982;
Amended Eff. February 1, 1991; September 1, 1990;
Readopted Eff. January 1, 2021.*

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

(a) An owner or operator of an incinerator (site) shall comply with the permit conditions, the plans incorporated into the permit in accordance with Rule .0508(f) of this Section, and the following requirements:

- (1) All 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.
- (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) 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 to operate and maintain the site in compliance with Subparagraph (1) of this Paragraph.
- (6) All ash and waste residue from the site shall be disposed of at a 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 shall be obtained prior to site operation.
- (8) A site shall only accept those solid wastes that it is permitted to receive.
- (9) Leachate shall be contained on-site or treated prior to discharge. A National Pollutant Discharge Elimination System (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 written 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 within 120 days after the date the incinerator ceased the acceptance of waste.
- (2) The owner or operator shall comply with any closure requirements specified in the permits issued by the Division and the Division of Air Quality.
- (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;
Readopted Eff. January 1, 2021.*

15A NCAC 13B .0510 POST-CLOSURE CARE REQUIREMENTS FOR CLOSED C&DLF AND MSWLF UNITS EXEMPTED FROM OTHER C&DLF AND MSWLF RULES

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 in accordance with Rule .0531 of this Section or Rule .1601 of this Subchapter (collectively "site") shall comply with the post-closure care requirements specified in the permit conditions, the closure plan for the site, and the closure letter or permit for closure issued by the Division to the site at the time of closure. The owner or operator shall also comply with Section .0600 of this Subchapter. The owner or operator shall submit to the Division upon written request any information or records that are required to be kept under either the permit conditions, the closure letter, or the rules of this Subchapter.

*History Note: Authority G.S. 130A-294;
Eff. April 1, 1982;
Amended Eff. September 1, 1990; February 1, 1988;
Readopted Eff. January 1, 2021.*

15A NCAC 13B .0562 BENEFICIAL FILL

- (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 G.S. 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 Subparagraph (5) of this Paragraph and any local ordinances;
 - (5) the beneficial fill shall be covered with a minimum of one foot of compacted soil and graded at a slope ratio that shall not exceed three horizontal to one vertical;
 - (6) the beneficial fill 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 as defined in Rule .0532 of this Section.
- (c) Soil generated from properties where there has been no known release of contaminants shall not be subject to regulation as a solid waste. This Rule and the solid waste permitting requirements under this Subchapter shall not apply to fill activities solely consisting of soil generated from properties where there has been no known release of contaminants.
- (d) This Rule and the solid waste permitting requirements under this Subchapter shall 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 G.S. 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;
Readopted Eff. January 1, 2021.*

15A NCAC 13B .0563 GENERAL REQUIREMENTS FOR LCIDLFS

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.
- (2) The site shall comply with all other federal, State, and local laws, ordinances, rules, regulations, and orders, including zoning regulations, flood plain regulations, wetland regulations, sedimentation and erosion control regulations, and mining regulations.
- (3) Permits issued by the Division for land clearing and inert debris landfills shall be valid for five years, and shall be subject to the permit fees set forth in G.S. 130A-295.8.
- (4) A permit shall not be required for a site that meets the following conditions:
 - (a) the site is within the right-of-way of a N.C. Department of Transportation project;
 - (b) the site accepts only yard waste and inert debris waste that was generated from within the same N.C. Department of Transportation project right-of-way that the site is located in;
 - (c) the site disposal area does not exceed two contiguous acres in size; and
 - (d) the site complies with Rule .0564 of this Section.
- (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 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.

*History Note: Authority G.S. 130A-294; 130A-301.1;
Eff. January 4, 1993;
Readopted Eff. January 1, 2021.*

15A NCAC 13B .0564 SITING CRITERIA FOR LCIDLFS

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

- (1) Floodplain Restrictions: A site shall not be located in the 100-year floodplain.
- (2) Cultural Resources Restrictions: A site and site operations 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: A site and site operations 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 and site operations 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 and 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; and
 - (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: A site shall maintain the following buffer requirements:
 - (a) 50 feet from the waste boundary to waters of the State as defined in G.S. 143-212.
 - (b) 100 feet from the waste boundary to property lines, residential dwellings, commercial or public buildings, and potable wells.The Division may establish alternative site-specific buffers in the permit conditions if it is necessary for the preservation of public health and the environment.
- (7) The site shall establish and maintain an access road around the waste boundary for access by emergency or fire-fighting vehicles and equipment.
- (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 as defined in Rule .0532 of this Section.

*History Note: Authority G.S. 130A-294;
Eff. January 4, 1993;
Readopted Eff. January 1, 2021.*

15A NCAC 13B .0565 APPLICATION REQUIREMENTS FOR LCIDLFS

(a) A permit applicant for a proposed land clearing and inert debris landfill (site) permit shall submit to the Division one electronic copy of a permit application, which shall contain the following information:

- (1) 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) an approval letter from the unit of local government having zoning authority over the area where the site is to be located stating that the site meets the requirements of the local zoning ordinance, or that the site is not zoned;
- (3) a county road map showing the location of the site;
- (4) letters from both the State Historic Preservation Office and the Natural Heritage Program within the Department of Natural and Cultural 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;
- (5) a description of how the site will comply with Rule .0564 of this Section;
- (6) a map or aerial photograph, representative of existing conditions, with a scale of at least one inch equals 400 feet showing the following in an area within one-fourth mile of the site:
 - (A) the entire property or portion thereof where the site is proposed to be located;
 - (B) the location of all homes, buildings, public or private utilities, roads, wells, watercourses, water or other impoundments, and any other features that the Division may request in writing if it is necessary to determine compliance with this Subchapter;
 - (C) the 100-year floodplain boundaries, if any;
 - (D) boundaries of wetlands as defined in Section 404(b) of the Clean Water Act, if any;
 - (E) the boundaries of sites described in Rule .0564(2) and (3) of this Section, if any;
- (7) development and design plans and drawings for the site, at a scale of at least one inch equals 100 feet, with specifications containing the following information:
 - (A) property boundaries, dimensioned with bearings and distances, tied to North Carolina grid coordinates where available;
 - (B) easements and rights-of-way;
 - (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) proposed and existing roads, points of ingress and egress, and access controls such as gates, fences, or berms;
 - (E) buffer and set back lines and buffered boundaries or features;
 - (F) springs, streams, creeks, rivers, ponds, and other surface waters and impoundments;
 - (G) wetlands, if any;
 - (H) boundary of the proposed waste area;
 - (I) the proposed bottom elevation of the waste in relation to the seasonal high groundwater table as defined in Rule .0532 of this Section;
 - (J) existing topography with contours of five-foot intervals. A smaller interval shall be utilized if it is necessary to clarify existing topographic conditions;
 - (K) proposed excavation, grading, and final contours at five-foot intervals. 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;
 - (L) where an on-site borrow pit for operational and final cover is proposed, indicate the borrow pit excavation and grading plan with contours of five-foot intervals. A smaller interval shall be utilized if it is necessary to clarify proposed grading;
 - (M) proposed surface water control features and devices such as slope drains, storm water pipes, inlets, culverts, and channels;
 - (N) information showing that the project meets the requirements of 15A NCAC 04 for sedimentation and erosion control;
 - (O) location of test borings or test pits, if used to determine the seasonal high groundwater table elevation; and
 - (P) no less than two cross-sections, one each along each major axis, per operational area showing original elevations, proposed excavation, and proposed final elevations;

- (8) an operations plan addressing the requirements in Rule .0566 of this Section that shall contain the following information:
 - (A) the name, address, phone number, and e-mail address of the site owner and operator;
 - (B) a description of systematic usage of disposal area, operation, and development of the site;
 - (C) the type, source, and quantity of waste to be accepted; and
 - (D) 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; and
 - (10) other information that the Division may request in writing 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 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 submitting a written request to the Division that includes 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;
Eff. January 4, 1993;
Readopted Eff. January 1, 2021.

15A NCAC 13B .0566 OPERATIONAL REQUIREMENTS FOR LCIDLFS

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 the following operational requirements:

- (1) The site shall only accept those solid wastes that it is permitted to receive.
- (2) Solid waste in the landfill shall be compacted. Slopes shall not exceed a ratio of three horizontal to one vertical at any time.
- (3) All waste shall be covered with no less than six inches of soil monthly, or when the working face reaches one acre in size, whichever occurs first. Any soils used for cover at the site shall meet unrestricted use standards for soils as defined in G.S. 130A-310.65.
- (4) 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 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. The Division may require further action to correct any condition that the Division determines may be injurious to the public health, or a nuisance to the community.
- (5) erosion control measures, structures, or devices shall be utilized to prevent silt from leaving the site and to prevent on-site erosion, and shall comply with 15A NCAC 04.
- (6) The site shall be secured by barriers such as gates, chains, berms, and fences to prevent unauthorized access. An operator shall be on duty at all times while the site is open for public use to assure compliance with operational requirements and to prevent acceptance of unauthorized wastes.
- (7) 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.
- (8) Surface water shall be diverted from the working face and shall not be impounded over waste.
- (9) Solid waste shall not be disposed of in water.
- (10) Fire Protection and Control.
 - (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, cinders, and waste that is smoldering, smoking, or burning 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 this waste.
 - (c) The owner or operator shall provide equipment on-site to control fires and make 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 the 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 location and size of the fire; the type and amount of waste that caught fire; 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 shall not exceed:
 - (a) twenty-five percent of the lower explosive limit for the gases in site 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 Item. 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 on-site.
- (13) The site shall comply with 15A NCAC 02L for the protection of groundwater quality, and the surface water quality standards established in 15A NCAC 02B.
- (14) A sign shall be posted at the site entrance showing the site contact's name and phone number, the permit number, emergency contact information, and the waste types accepted for disposal at the site.
- (15) Inert debris waste accepted at the site shall be placed within the permitted landfill footprint unless it is being processed for recycling or 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 written 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;
Eff. January 4, 1993;
Readopted Eff. January 1, 2021.*

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 closure and post-closure 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. Closure activities shall include the following:
 - (A) covering the disposal area with no less than one foot of soil cover sloped to direct the flow of surface water from the landfill;
 - (B) stabilizing the soil cover with vegetative ground cover or other stabilizing material; and
 - (C) any closure activities included in the closure and post-closure plan incorporated into the permit.
- (2) The owner or operator of a site shall complete the closure activities within 120 days after beginning the closure activities as specified in Subparagraph (1) of this Paragraph.
- (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 this Rule. 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 and the following requirements:
 - (A) maintenance of the 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 request in writing if the Division determines that the actions are necessary to correct any condition that may be injurious to the public health or a nuisance to the community. In making this determination, the Division shall consider the compliance history of the site, the circumstances and use of properties adjacent to the site, the use of groundwater and surface water downgradient of the site, and any groundwater, surface water, and explosive gas monitoring results.
- (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;
Eff. January 1, 2021.*

SECTION .0600 - MONITORING REQUIREMENTS

15A NCAC 13B .0601 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) The site shall be subject to the groundwater requirements and standards in 15A NCAC 02L .0101 through .0114 and 15A NCAC 02L .0201 through .0202. 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.
- (c) The site shall provide such groundwater monitoring capability as the Division determines to be necessary to detect the effects of the site on groundwater in the area. In making such a determination, the Division shall consider the following factors:
- (1) the design of the site, 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 groundwater to the site;
 - (4) uses that are being or may be made of any groundwater that may be affected by the site; and
 - (5) any other factors that relate to the potential for groundwater effects from the site.
- (d) The construction of monitoring wells shall comply with 15A NCAC 02C .0108.
- (e) The owner or operator of a site shall submit a record of the monitoring well installation to the Division upon completion of the installation.

*History Note: Authority G.S. 130A-294;
Eff. April 1, 1982;
Amended Eff. September 1, 1990; August 1, 1988; January 1, 1985;
Readopted Eff. January 1, 2021.*

15A NCAC 13B .0602 SURFACE WATER 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) The owner or operator of the site shall provide such surface water monitoring capability as the Division determines to be necessary to detect the effects of the site on surface waters contained on or bordering the site property. In making this determination, the Division shall consider the following factors:

- (1) the design of the site, the nature of the processes 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;
- (4) uses that are being or may be made of any surface water that may be affected by the site; and
- (5) any other factors that relate to the potential for surface water effects from the site.

(c) The site shall not cause an exceedance of the surface water standards established under 15A NCAC 02B .0200.

*History Note: Authority G.S. 130A-294;
Eff. April 1, 1982;
Readopted Eff. January 1, 2021.*

SECTION .0700 - ADMINISTRATIVE PENALTY PROCEDURES

15A NCAC 13B .0701	ADMINISTRATIVE PENALTIES
15A NCAC 13B .0702	STANDARDS
15A NCAC 13B .0703	PROCEDURE FOR ASSESSMENT: REVOCATION OF PERMIT
15A NCAC 13B .0704	PAYMENTS: HEARING
15A NCAC 13B .0705	STAY OF PENALTY ASSESSMENT
15A NCAC 13B .0706	WAIVER OF ADMINISTRATIVE HEARING

History Note: Authority G.S. 130A-22(f);
Eff. April 1, 1982;
Amended Eff. September 1, 1990; February 1, 1988; May 1, 1987; October 1, 1984;
Repealed Eff. January 1, 2021.

SECTION .1300 - DISPOSITION OF FETAL REMAINS

15A NCAC 13B .1301 MANNER OF DISPOSITION OF FETAL REMAINS

*History Note: Authority G.S. 130A-309.26;
Eff. October 1, 1990;
Temporary Amendment Eff. December 22, 1997;
Amended Eff. April 1, 1999;
Repealed Eff. January 1, 2021.*