

1 15A NCAC 13B .1401 is readopted with changes as published in 33:24 NCR 2373 as follows:

2  
3 **SECTION .1400 - SOLID WASTE COMPOST FACILITIES**

4  
5 **15A NCAC 13B .1401 REQUIREMENT FOR PERMIT**

6 (a) ~~All persons whose purpose is or includes the production of compost from solid waste or solid waste co-composted~~  
7 ~~with other wastes shall not construct, operate, expand or modify a facility until a currently valid permit for a solid~~  
8 ~~waste compost facility is issued by the Division. No person shall construct, operate, expand, or modify a facility that~~  
9 ~~produces compost from solid waste or solid waste co-composted with other wastes unless it has been issues a~~  
10 ~~currently valid permit issued by the Division for a solid waste compost facility, ~~[facility by the Division,]~~ except as~~  
11 ~~provided for in Rule .1402(f) and (g) of this Section. This provision also applies to facilities that accept, store, or~~  
12 ~~produce compost or mulch from yard waste or from residues from agricultural products and processing. General~~  
13 ~~Provisions, Siting, provisions, siting, design, application, operational, distribution, and reporting reporting, and closure~~  
14 ~~requirements shall be in accordance with Rules .1402, .1403, .1404, .1405, .1406, .1407, and .1402 through .1408~~  
15 ~~.1410 of this Section.~~

16 (b) ~~Plans for a Large Type 3 or Type 4 Solid Waste Compost Facility, as defined in Rule .1402(e) of this Section,~~  
17 ~~Facility Permit, or a permit or plans for any facility located over a closed-out disposal ~~area area~~, shall be submitted~~  
18 ~~with the permit application in accordance with Rule ~~.0201(a)(3) .0202(a)(3)~~ of this Subchapter. ~~A minimum of four~~~~  
19 ~~sets of plans shall be submitted within each application.~~

20 (c) ~~Compost permits shall be issued for a period of not more than 10 years. An application for renewal of a permit~~  
21 ~~shall be submitted to the Division in accordance with Rule .1405 of this Section no less than four months prior to~~  
22 ~~expiration of the existing permit.~~

23 (d) Permit modifications.

24 (1) The owner or operator shall submit to the Division a permit application in accordance with Rule  
25 .1405 of this Section for a major modification to the existing permit issued by the Division. For the  
26 purpose of this Section, a [A] major modification means ~~[shall be required for]~~ any of the following:  
27 a change in ~~[either]~~ the property or facility operator or ownership, a change in facility type as defined  
28 in Rule .1402 of this Section, an expansion or relocation of the ~~[approved]~~ operations area in the  
29 existing permit,~~[area,]~~ or a ~~[substantial]~~ change to the operations or design ~~[plan.] plan such~~  
30 changes in the compost method, waste receipt and handling, feedstock storage, or processing layout.  
31 A permit issued by the Division as a result of a permit modification shall be in compliance with  
32 Paragraph (c) of this Rule.~~[A major modification requires an application submitted to the Division~~  
33 in accordance with Rule .1405 of this Section, including revised design and operational plans and  
34 drawings.]

35 (2) The owner or operator shall not be required to submit a permit application to the Division in  
36 accordance with Rule .1405 of this Section for a change to a plan that was submitted in accordance  
37 with Rule .1405 of this Section if the Division determines that the change does not meet the

1 definition of a major modification provided in Subparagraph (1) of this Paragraph, the change  
2 complies with the requirements of this Section, and the owner or operator submits to the Division  
3 written notice of the change, including documentation of the updated information such as revised  
4 pages or addendums to the plan. The Division shall acknowledge receipt of the change by sending  
5 written notice to the owner or operator. [A minor modification shall include a change in the design  
6 or operational plan that does not require a substantial change to the design and operations plan and  
7 drawings. A minor modification that is approved by the Division shall be approved by written  
8 notification. The approval shall be added as an addendum to the approved plan.]

9 [(3) — An approved major modification shall result in the issuance of a new permit with an expiration no  
10 more than 10 years from the time of issuance in accordance with Paragraph (c) of this Rule if the  
11 modification application meets the criteria for a permit renewal.]

12 (e) For purposes of this Section, "operations area" means the total area used for mixing, grinding, processing,  
13 composting, curing, and wood waste and feedstock unloading and storage. Operations area shall not include buffer  
14 areas.

15 (f) For purposes of the Section, "material onsite" means wood wastes, feedstocks, mixtures, and active and curing  
16 compost, but shall not include finished product.

17  
18 *History Note: Authority G.S. 130A-294; 130A-309.03; 130A-309.11; 130A-309.29;*  
19 *Eff. December 1, 1991;*  
20 *Amended Eff. May 1, ~~1996~~, 1996;*  
21 *Readopted Eff. November 1, 2019.*  
22

1 15A NCAC 13B .1402 is readopted with changes as published in 33:24 NCR 2373 as follows:

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3 **15A NCAC 13B .1402 GENERAL PROVISIONS FOR SOLID WASTE COMPOST FACILITIES**

4 (a) Applicability. The provisions of this Rule shall apply to the following facilities:

- 5 (1) facilities that produce compost or mulch from yard waste or from residues from agricultural products  
6 and processing;  
7 (2) vermicomposting facilities;  
8 (3) anaerobic digestion facilities; and  
9 (4) compost facilities that compost solid waste or co-compost solid waste with sludges that are not  
10 classified as a solid ~~waste~~ waste, functioning as a nutrient source.

11 (b) Facilities that co-compost with sewage sludge shall comply with all applicable ~~Federal~~ federal regulations  
12 regarding sludge management ~~at in~~ 40 CFR ~~501 and 503. 40 CFR 503, subpart B 503, which~~ is hereby incorporated  
13 by ~~reference, reference~~ including subsequent amendments ~~or additions.~~ and editions. Copies of the Code of Federal  
14 Regulations may be obtained from the U.S. Government Publishing Office website at www.gpo.gov ~~Solid Waste~~  
15 ~~Section at 401 Oberlin Road, Suite 150, Raleigh, NC 27605~~ at no cost.

16 ~~(c)(b)~~ The provisions of this Section ~~do~~ shall not apply to compost facilities that compost only wastewater treatment  
17 sludge with municipal solid waste functioning only as a bulking agent.

18 ~~(c)~~ ~~Solid Waste Compost Facilities that have been permitted prior to the effective date of this Rule shall meet the~~  
19 ~~requirements of this Section within one year of the effective date of this Rule, or, within two years if more than one~~  
20 ~~hundred thousand dollars (\$100,000) of capital investment is necessary to comply with changes.~~

21 (d) Solid waste compost produced outside the State of North Carolina and imported into the state shall comply with  
22 the requirements specified in Rule .1407 of this Section.

23 ~~(e) Compost that is disposed shall not count toward waste reduction goals.~~

24 ~~(e)(f)~~ Solid waste compost facilities shall be classified based on the types and amounts of materials to be composted.  
25 composted as follows:

- 26 (1) Type 1 facilities may receive yard and garden waste, silvicultural waste, and untreated and unpainted  
27 wood waste ~~waste, or any combination thereof.~~  
28 (2) Type 2 facilities may receive pre-consumer meat-free food processing waste, vegetative agricultural  
29 waste, source separated ~~paper paper, or~~ and other source separated specialty ~~wastes, which~~ wastes  
30 that are low in pathogens and physical contaminants. Waste acceptable for a Type 1 facility may be  
31 composted at a Type 2 facility.  
32 (3) Type 3 facilities may receive manures and other agricultural waste, meat, ~~post-consumer source~~  
33 ~~separated~~ post-consumer source-separated food ~~wastes~~ wastes, and other ~~source separated~~ specialty  
34 source-separated specialty ~~wastes or any combination thereof~~ that are ~~relatively~~ low in physical  
35 ~~contaminants, contaminants~~ but may have high levels of pathogens. Waste acceptable for a Type 1  
36 or 2 facility may be composted at a Type 3 facility.

1 (4) Type 4 facilities may receive ~~mixed municipal solid waste, post-collection separated or processed~~  
2 ~~waste~~, industrial solid waste, ~~non-solid~~ non-solid waste sludges functioning as a nutrient source or  
3 other similar compostable organic ~~wastes~~ wastes, or any combination thereof. Waste acceptable for  
4 a Type 1, ~~2~~ 2, or 3 facility may be composted at a Type 4 facility.

5 ~~(5) The listed waste types in Subparagraph (f)(2)-(2) of this Rule [Paragraph] shall be considered to be~~  
6 ~~low in pathogens and physical contaminants if handled so as to prevent development of contaminants or~~  
7 ~~exposure to physical contamination. The listed waste types in Subparagraph (f)(3)-(3) of this Rule~~  
8 ~~[Paragraph] are likely to have high pathogens and low physical contamination. In determining whether a~~  
9 ~~specific waste stream listed in Subparagraphs (1) through (4) of this Paragraph is [shall be]~~ acceptable for  
10 ~~composting in a Type 2 or Type 3 facility, composting,~~ the Division shall consider the method of handling  
11 the waste prior to delivery to the facility as well as the physical characteristics of the waste. Testing for  
12 pathogens and physical contaminants ~~may~~ shall be required ~~where~~ if a determination cannot be made based  
13 upon prior knowledge of the waste. Test methods ~~and constituents tested shall be in accord~~ comply with Rule  
14 .1407(b)(2), (b)(3), [and (b)(5)](b)(5), and (b)(6) of this Section. ~~Appendices A and B to Table 3.~~

15 (6) Small facilities.

16 (A) Small Type 1 facilities shall have an operations area less than two acres in size and shall  
17 be limited to no more than 6,000 cubic yards material onsite at any given time, including  
18 finished product.

19 (B) Small Type 2, 3, and 4 facilities shall have an operations area less than two acres in size  
20 and shall be limited to no more than 1,000 cubic yards material onsite at any given time.  
21 Small facilities are those that receive less than 1000 cubic yards of material for composting  
22 per quarter, and occupy less than two acres of land, except that a Small Type 1 facility shall  
23 process or store less than 6,000 cubic yards of material per quarter.

24 (7) Large facilities.

25 (A) Large Type 1 facilities shall have an operations area of two or more acres in size or have  
26 more than 6,000 cubic yards material onsite at any given time.

27 (B) Large Type 2, 3, and 4 facilities shall have an operations area of two or more acres in size  
28 or have more than 1,000 cubic yards material onsite at any given time.  
29 Large facilities are those that receive 1000 cubic yards or more of material for composting  
30 per quarter or occupy two acres or more of land, except that a Large Type 1 facility shall  
31 process or store more than 6,000 cubic yards of material per quarter.

32 ~~(f)(g)~~ A permit is not required for the following operations: The following operations shall be exempt from the  
33 requirements of this Section:

34 (1) ~~Backyard Composting.~~ backyard composting;

35 (2) ~~Farming~~ farming operations and silvicultural operations ~~where~~ if the compost is produced from  
36 materials grown on the owner's land and re-used on the owner's land or ~~in his~~ associated farming  
37 operations and not offered to the ~~public.~~ public; and public; and

1 (3) persons receiving no more than 30 cubic yards of leaves from an offsite source on an annual basis.

2 ~~(3) Small Type 1 Facilities meeting the following conditions:~~

3 ~~(A) Notification of the Solid Waste Section prior to operation and on an annual basis as to:~~

4 ~~(i) Facility location;~~

5 ~~(ii) Name, address and phone number of owner and operator;~~

6 ~~(iii) Type and amount of wastes received;~~

7 ~~(iv) Composting process to be used; and~~

8 ~~(v) Intended distribution of the finished product.~~

9 ~~(B) Agreement to operate in accordance with operational requirements as set forth in Rule and~~  
10 ~~the setbacks in Rule .1404(a)(1) – (9) of this Section.~~

11 ~~(C) Facility operates in accordance with all other state or local laws, ordinances, rules,~~  
12 ~~regulations or orders.~~

13 ~~(D) Facility is not located over closed-out disposal site.~~

14 ~~(E) Safety measures are taken to prevent fires and access to fire equipment or fire fighting~~  
15 ~~services is provided.~~

16 (g) The following operations shall be exempt from the permitting requirements in ~~Rule .1405~~ Rule .1401 of this  
17 Section:

18 (1) Small Type 1 Facilities meeting the following conditions:

19 (A) notification ~~of~~ to the Division prior to operation and on an annual basis as to:

20 (i) the facility location;

21 (ii) the name(s) and contact information of the owner and operator;

22 (iii) type and amount of wastes received;

23 (iv) the composting process to be used;

24 (v) the intended distribution of the finished product; and

25 (vi) for new facilities only, a letter from the unit of government having zoning  
26 jurisdiction over the site that states that the proposed use is allowed within the  
27 existing zoning, if any, and that any necessary zoning approval or permit has been  
28 obtained;

29 (B) the facility operates in accordance with the operational requirements as set forth in Rule  
30 .1406(1) through (11) and (16) of this Section and the setbacks in Rule .1404(a)(1) through  
31 (a)(10) of this Section;

32 (C) the facility operates in accordance with all other state or local laws, ordinances, rules,  
33 regulations or orders;

34 (D) the facility shall not be located over a closed-out disposal site; and

35 (E) ~~the~~ safety measures shall be taken to prevent fires and access to fire equipment or fire-  
36 fighting services shall be provided.

37 (2) Compost facilities meeting the following conditions:

- 1 (A) the site ~~[may receive]~~ receives for composting pre- and post-consumer food waste, manure,  
2 vegetative agricultural waste, yard and garden waste, land-clearing debris, untreated and  
3 unpainted wood waste, ~~[and] or~~ source separated paper;  
4 (B) material onsite, not including finished compost, shall not exceed 100 cubic yards at any  
5 time;  
6 (C) the operations area shall be less than 1.0 acres total;  
7 (D) the site operates in accordance with operational requirements as set forth in Rule .1406 of  
8 this Section and the setbacks in Rule .1404(a)(1) through (a)(10) of this Section, except  
9 that the buffer between property line and operations area shall be at least 50 feet and the  
10 buffer between the operations area and residences or dwellings not owned and occupied by  
11 the operator shall be at least 200 feet;  
12 (E) the site is operated to prevent the release of particulates and odors outside of the property  
13 boundary, and the site does not attract vectors such as insects and rodents; ~~[operates in such~~  
14 a manner that dust and odors do not constitute a public nuisance;]  
15 (F) for facilities producing compost that is distributed to the public or used in public areas,  
16 compost produced from the facility shall meet the pathogen testing and record keeping  
17 requirements per Rule .1407(b) and Rule .1408(a) of this Section; and  
18 (G) the site operates in accordance with all applicable State or local laws, ordinances, rules,  
19 regulations, or orders.  
20

21 *History Note: Authority G.S. 130A-294; 130A-309.03; 130A-309.11; 130A-309.29;*  
22 *Eff. December 1, 1991;*  
23 *Amended Eff. May 1, ~~1996.~~ 1996;*  
24 *Readopted Eff. November 1, 2019.*  
25

1 15A NCAC 13B .1403 is readopted with changes as published in 33:24 NCR 2373 as follows:

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3 **15A NCAC 13B .1403 GENERAL PROHIBITIONS FOR SOLID WASTE COMPOST FACILITIES**

4 (a) Neither hazardous waste nor ~~asbestos-containing~~ asbestos-containing waste shall be accepted at a facility or  
5 processed into compost.

6 (b) Household hazardous waste shall not be accepted by a facility, except in an area designated by facility site plans  
7 for storage, and shall not be processed into compost.

8 (c) ~~Any compost~~ Compost made from solid waste ~~which that~~ cannot be used pursuant to the requirements of this Rule  
9 shall be reprocessed or disposed of pursuant to the requirements of this Subchapter.15A NCAC 13B.

10

11 *History Note: Authority G.S. 130A-294; 130A-309.03; 130A-309.11; 130A-309.29;*

12 *Eff. December 1, 1991;*

13 *Amended Eff. May 1, ~~1996.~~ 1996;*

14 *Readopted Eff. November 1, 2019.*

15

1 15A NCAC 13B .1404 is readopted with changes as published in 33:24 NCR 2373 as follows:

2  
3 **15A NCAC 13B .1404 SITING/DESIGN REQUIREMENTS FOR SOLID WASTE COMPOST**  
4 **FACILITIES**

5 (a) A site shall meet the ~~following~~ requirements of this Rule at the time of initial permitting and shall continue to  
6 meet these requirements throughout the life of the permit only on the site property owned or controlled by the applicant  
7 or by the landowner(s) at the time of ~~permitting~~; permitting.

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

11 (2) A 100-foot ~~minimum~~ buffer ~~is~~ shall be maintained ~~required~~ between all property lines and compost  
12 areas for Type 3 and 4 facilities, 50-foot for Type 1 or 2 ~~facilities~~; facilities.

13 (3) A 500-foot ~~minimum~~ buffer ~~is~~ shall be maintained ~~required~~ between compost areas and residences  
14 or dwellings not owned and occupied by the permittee, except that Type 1 and Small Type 2 and 3  
15 facilities shall ~~have~~ maintain a 200-foot ~~minimum~~ ~~buffer~~; buffer.

16 (4) A 100-foot ~~minimum~~ buffer ~~is~~ shall be maintained ~~required~~ between all wells and compost areas,  
17 except monitoring ~~wells~~; wells.

18 (5) A 50-foot ~~minimum~~ buffer ~~is~~ shall be maintained ~~required~~ between perennial ~~streams/rivers~~ streams  
19 and rivers and compost ~~areas~~; areas.

20 (6) A compost facility shall be located in accordance with 15A NCAC 2B .0200, Classification and  
21 Water Quality Standards Applicable to Surface Waters in North ~~Carolina~~; Carolina.

22 (7) All portions of ~~any~~ a compost facility located over a closed-out disposal area shall be designed with  
23 a pad adequate to protect the disposal area cap from being disturbed, as defined in Part ~~(a)(10)(E)~~  
24 (a)(10)(C) of this Rule, and there shall be no runoff from the pad onto the cap or side slopes of the  
25 closed out ~~area~~; area.

26 (8) A 25-foot minimum distance ~~is~~ shall be maintained ~~required~~ between compost areas and swales or  
27 ~~berms~~; berms to allow for adequate access of fire fighting equipment;

28 (9) A site shall meet the following surface water requirements:

29 (A) A a site shall not cause a discharge of materials or fill materials into waters or wetlands of  
30 the state State that is in violation of Section 404 of the Clean Water Act;

31 (B) A a site shall not cause a discharge of pollutants into waters of the state State that is in  
32 violation of the requirements of the National Pollutant Discharge Elimination System  
33 (NPDES), ~~under~~ pursuant to Section 402 of the Clean Water Act; and

34 (C) A a site shall not cause non-point source pollution of waters of the state State that violates  
35 ~~assigned the~~ water quality standards; ~~[standards.]~~ standards as set forth in 15A NCAC 02B.

36 (10) A site shall meet the following groundwater and operations area pad requirements:



1 (A) A site shall not contravene groundwater standards as set forth in established under  
2 [pursuant to] 15A NCAC 02L; 2L;

3 (B) the operations area of Type 1, 2, and 3 facilities shall have one of the following:

4 (i) a soil pad with a soil texture finer than loamy sand. For a Type 1 or 2 facility, the  
5 depth to the seasonal high water table shall be maintained at least 12 inches. For  
6 a Type 3 facility, the depth to the seasonal high water table shall be maintained at  
7 least 24 inches; or

8 (ii) a pad in accordance with Part (C) of this Subparagraph;

9 ~~Portions of a site used for waste receipt and storage, active composting, and curing~~  
10 ~~shall have a soil texture finer than loamy sand and the depth to the seasonal high~~  
11 ~~water table shall be maintained at least 12 inches for a Type 1 or 2 facility and 24~~  
12 ~~inches for a Type 3 facility, unless a pad is provided;~~

13 (C) the operations area of a Type 4 facility shall have a pad with a linear coefficient of  
14 permeability no greater than  $1 \times 10^{-7}$  cm/sec. The pad shall consist of one of the following:

15 (i) a non-soil pad, such as concrete and asphalt, designed and constructed to meet the  
16 weight requirements of the compost operation and to prevent infiltration of liquids  
17 to groundwater; or

18 (ii) a soil pad of at least 18 inches constructed in accordance with Rule [.1624(a)(8)]  
19 .1624(b)(8) and Rule .1621 of this Subchapter. A 12-inch soil layer shall be  
20 maintained over the pad to protect it from damage and desiccation; and

21 ~~A pad shall be provided for portions of a Type 4 facility used for waste receiving and~~  
22 ~~storage, active composting, and curing;~~

23 (D) ~~A pad is not required for storage of finished product that is dried so as to pass the Paint~~  
24 ~~Filter Liquids Test (EPA Method 9095), and for which the storage area is prepared in such~~  
25 ~~a manner that water does not collect around the base of the stored material, and finished~~  
26 ~~product shall be stored where the depth to the seasonal high water table is maintained at~~  
27 ~~least 12 inches below ground surface. inches; and~~

28 (E) ~~The linear coefficient of permeability of pads required in accordance with this Rule shall~~  
29 ~~not be greater than  $1 \times 10^{-7}$  centimeters per second. If natural soils are used, the liner~~  
30 ~~must be at least 18 inches thick.~~

31 ~~(b) For Subparagraphs (a)(2) through (a)(4) and Part (a)(10)(B) of this Rule, (dependent upon waste type, facility~~  
32 ~~design, and regional topography) alternative minimum buffers or requirements may be increased if deemed necessary~~  
33 ~~by the Division in order to protect public health and the environment or to prevent the creation of a nuisance.~~

34 (b) For Subparagraphs (a)(2) through (a)(4) and Part (a)(10)(B) of this Rule, alternative minimum buffers or  
35 requirements may be [increased,] modified by the Division, based on the waste type, facility design, and regional  
36 topography, if necessary to protect public health and the environment or to prevent the creation of a nuisance.

37 (c) A site shall meet the following design requirements:

- 1 (1) A a site shall not allow ~~uncontrolled~~ ~~unauthorized~~ public access;
- 2 (2) A a site shall meet the requirements of ~~the Sedimentation Pollution Control Law~~ (15A NCAC ~~04~~);
- 3 4);
- 4 (3) A a site shall meet the requirements of the Air Pollution Control Requirements (15A NCAC ~~2D~~)
- 5 ~~02D~~) to minimize fugitive emissions and odors; and
- 6 (4) A a site shall be designed to minimize odors at the property ~~boundary~~ ~~boundary by means such as~~
- 7 ~~expanded buffers, consideration of topography and wind patterns, or process layout design.~~

8

9 *History Note: Authority G.S. 130A-294; 130A-309.03; 130A-309.11; 130A-309.29;*

10 *Eff. December 1, 1991;*

11 *Amended Eff. May 1, ~~1996~~. 1996;*

12 *Readopted Eff. November 1, 2019.*

13

1 15A NCAC 13B .1405 is readopted with changes as published in 33:24 NCR 2373 as follows:

2  
3 **15A NCAC 13B .1405 APPLICATION REQUIREMENTS FOR SOLID WASTE COMPOST**  
4 **FACILITIES**

5 ~~(a) One paper copy and one electronic copy of a solid waste compost facility permit application shall be submitted to~~  
6 ~~the Division. The following information is shall be required for an application for a permit to construct and operate a~~  
7 ~~proposed Type 1, or a Small Type 2 or 3 solid waste compost facility; Large Type 1, Small or Large Type 2 or 3 or~~  
8 ~~all Type 4 solid waste compost facilities; [facilities] unless the permitting requirements are exempted by Paragraph~~  
9 ~~(g) of Rule .1402 [Rule .1402(g) or (h)] of this Section:~~

10 (1) the name and contact information of the facility owner and operator;

11 (2) documentation of property ownership, including:

12 (a) the property owners;

13 (b) a current property deed; and

14 (c) a notarized acknowledgement letter from the landowner of use of the property as a solid  
15 waste facility if the landowner is not the facility owner or operator.

16 (3)(1) ~~An an~~ an aerial photograph or scaled drawing, where one inch is at a scale of one inch to less than or  
17 equal to 400 feet, accurately showing the area within one-fourth mile of the proposed site's  
18 boundaries with the following specifically identified:

19 (a)(A) ~~Entire~~ the entire property owned or leased by the person proposing the facility;

20 (b)(B) ~~Location~~ the location of all homes, wells, industrial buildings, public or private utilities;  
21 roads; watercourses; dry runs; utilities, roads, watercourses, and other applicable  
22 information regarding the general topography within 500 feet of the proposed facility; and

23 (c)(C) ~~Land~~ the land use zoning of the proposed site.

24 (4)(2) ~~A [for all new sites,]~~ a letter from the unit of government having zoning jurisdiction over the site  
25 which that states that the proposed use is allowed within the existing zoning, if any, and that any  
26 necessary zoning approval or permit has been obtained. approvals or permits have been obtained;

27 (5)(3) ~~An an~~ an explanation of how the site complies with siting and design standards in required by Rule  
28 .1404 of this Section. Section;

29 (6)(4) ~~A a~~ detailed report indicating the following:

30 (a)(A) ~~Waste type(s),~~ the waste types, the source and estimated quantity of the solid waste to be  
31 composted, composted including the source and expected quantity of any bulking agent or  
32 amendment (if applicable), any expected recycle recycling of bulking agent or compost,  
33 and any seasonal variations in the solid waste type or quantity; and

34 (b)(B) ~~For for~~ facilities that utilize use natural soils as a pad, a soil evaluation of the site conducted  
35 by a licensed soil scientist down to a depth of four feet, feet or to bedrock or evidence of a  
36 seasonal high water table, to evaluate evaluating all chemical and physical soil properties  
37 and depth of the seasonal high water table. table;

- 1           (7)(5) Site a site plan at a scale ~~where of~~ one inch is to less than or equal to 100 feet ~~to the inch~~ that  
2 delineates the following:
- 3           (a)(A) ~~Existing the existing~~ and proposed contours, at intervals appropriate to the topography;
  - 4           (b)(B) ~~Location the location~~ and elevations of dikes, trenches, and other water control devices and  
5 structures for the diversion and controlled removal of surface water;
  - 6           (c)(C) ~~Designated the designated~~ setbacks and property lines;
  - 7           (d)(D) ~~Proposed the proposed~~ utilities and structures; ~~and~~
  - 8           (e)(E) ~~Areas the areas~~ for unloading, processing, active composting, curing, and storing of  
9 ~~material. material~~;
  - 10           (f) the access roads and details on traffic patterns;
  - 11           (g) the wetlands, streams, and 100-year floodplains; and
  - 12           (h) the proposed surface and groundwater monitoring locations, if required.
- 13       (8)(6) A description of the operation of the facility, which must include at a minimum: an operations plan  
14 that includes the following:
- 15           (a)(A) ~~Name, address and phone number~~ the name and contact information for the person  
16 responsible for the operation of the facility;
  - 17           (b)(B) ~~List a list~~ of personnel ~~required~~ and the responsibilities of each position;
  - 18           (c)(C) ~~Operation plan for the facility; a schedule for operations, including days and hours that the~~  
19 facility will be open, preparations before opening, and procedures to be followed after  
20 closing for the day;
  - 21           (d)(D) ~~Special special~~ precautions or procedures for operating during wind, heavy rain, snow,  
22 freezing or other adverse conditions;
  - 23           (e)(E) A a description of actions to be taken to minimize noise, vectors, and air borne ~~particulates,~~  
24 particulates; and odors; and
  - 25           (f)(F) A a description of the ultimate use for the finished compost, the method for removal from  
26 the site, and a contingency plan for disposal or alternative ~~usage~~ use of residues or finished  
27 compost that cannot be used in the expected manner due to poor quality or change in market  
28 ~~conditions. conditions~~;
  - 29           (g) contingency plan describing actions to be taken for equipment breakdown, unauthorized  
30 waste arriving at the facility, spills, and fires;
  - 31           (h) a discussion of compliance with the operational requirements listed in Rule .1406 of this  
32 Section; and
  - 33           (i) for Large [Type 2 and Type 3] Type 1, Large Type 2, Large Type 3, and all Type 4  
34 facilities, include the following:
    - 35           (i) a description of procedures for incoming material inspections;
    - 36           (ii) a description of procedures to meet the final product sampling and analyses  
37 requirements specified in in Rule .1407 of this Section;

- 1 (iii) a description of procedures to meet the record keeping requirements specified in  
2 Rule .1408 of this Section; and
- 3 (iv) a copy of all applicable local, state, and federal permits and approvals necessary  
4 for the operation of the facility.
- 5 (9)(7) A a report on the design of the facility, including:
- 6 (a)(A) Design the design capacity of the facility;
- 7 (b)(B) A a process flow diagram of the entire facility, including the type, size, and location of all  
8 major equipment, equipment used in the compost process and feedstock flow streams. The  
9 flow streams shall indicate the quantity of materials by ~~on a wet~~ weight and volume;  
10 volumetric basis;
- 11 (c) a description and sizing of the storage facilities for feedstocks, amendments, and finished  
12 compost;
- 13 (d)(C) The the means for measuring, shredding, mixing, and proportioning input materials;
- 14 (e)(D) Anticipated the anticipated process duration, including receiving, preparation, composting,  
15 curing, and distribution;
- 16 (f)(E) A a description of the location of all temperature, air [air,] temperature and any other type  
17 of monitoring points, points within the compost windrow, and the frequency of monitoring;
- 18 (g)(F) A a description of how the temperature control and monitoring equipment will demonstrate  
19 that the facility meets the requirements in Rule .1406(11), (12), or (13) .1406 Items (10),  
20 (11), or (12) of this Section, as appropriate for the feedstock;
- 21 (h)(G) The the method of aeration provided and the capacity of aeration equipment; and
- 22 (i)(H) A a description of the method to control surface water run-on and run-off; run-off and the  
23 method to control, collect, treat, and dispose of leachate generated, generated;
- 24 (j) the separation, processing, storage, and ultimate disposal of non-compostable materials, if  
25 applicable;
- 26 (k) a description of dust control and other air emission control measures; and
- 27 (l) a description of recycling or other material handling processes used at the facility.
- 28 (10) Odor Control Plan. Operators of Large Type 2, Large Type 3, and all Type 4 facilities shall prepare,  
29 submit to the Division, and implement an odor control plan that details site specific conditions to  
30 meet the design requirement in Rule .1404(c)(4) of this Section. Existing facilities permitted prior  
31 to the readopted effective date of this Rule shall meet these requirements at the time of permit  
32 renewal. The plan shall contain the following:
- 33 (a) an identification of all onsite potential odor sources;
- 34 (b) a description of onsite weather conditions that [would] may affect odor migration, such as  
35 prevailing wind direction, topography, and seasonal variations;

- 1           (c) a plan to monitor onsite odor and record odor data for the odor sources with the potential  
2           to migrate offsite. Data shall include date, time, site specific conditions, weather  
3           conditions, wind direction, and characteristics and intensity of odor;
- 4           (d) a description of the facility's odor complaint protocol, including forms used, odor  
5           verification by operator both onsite and offsite, what the response will be, and who will be  
6           contacted;
- 7           (e) a description of complaint record keeping; and
- 8           (f) a description of odor control design and operating best management practices to be used  
9           onsite, including:
- 10           (i) personnel training;
- 11           (ii) feedstock characteristics;
- 12           (iii) the initial mixing of feedstocks to reach targeted carbon to nitrogen (C:N) ratios,  
13           ratios and moisture levels;
- 14           (iv) maintenance of compost piles for moisture;
- 15           (v) aeration methods, frequency, and protocol;
- 16           (vi) leachate and liquids management;
- 17           (vii) weather monitoring and protocol;
- 18           (viii) management of airborne emissions; and
- 19           (ix) windrow covering, covering;
- 20       (8) A description of the label or other information source that meets the requirements of Rule .1407(k)  
21       of this Section.
- 22       (11)(9) Plans engineering plans and specifications for the facility, including manufacturer's performance  
23       data for all equipment selected, selected; and
- 24       (12) documentation that the local fire protection authority has been notified of the site use.
- 25       ~~(12) — a description of procedures for permanent closure of the facility, in accordance with Rule .1410 of~~  
26       ~~this Section, should the facility close.]~~
- 27       (10) — ~~A detailed operation and maintenance manual outlining:~~
- 28           (A) ~~A quality assurance plan for the process and final product which lists the procedures used~~  
29           ~~in inspecting incoming material; monitoring, sampling and analyzing the compost process~~  
30           ~~and final product, testing schedule, and recordkeeping requirements;~~
- 31           (B) ~~Contingency plans detailing corrective or remedial action to be taken in the event of~~  
32           ~~equipment breakdown; non conforming waste delivered to the facility; spills, and~~  
33           ~~undesirable conditions such as fires, vectors and odors; and~~
- 34           (C) ~~An explanation of how the facility will comply with operational requirements as outlined~~  
35           ~~in Rule .1406 of this Section, detailed operational information and instruction, an outline~~  
36           ~~of reports to be submitted in compliance with this Section, and safety instructions.~~
- 37       (11) — ~~As built drawings where applicable.~~

1 ~~(b) The following information is required for an application for a permit to construct a proposed Large 2 or 3 or a~~  
2 ~~Type 4 solid waste compost facility:~~

3 (1) ~~— An aerial photograph or scaled drawing, where one inch is less than or equal to 400 feet, accurately~~  
4 ~~showing the area within one fourth of the mile of the proposed site's boundaries with the following~~  
5 ~~specifically identified:~~

6 (A) ~~— Entire property owned or leased by the person proposing the site;~~

7 (B) ~~— Location of all homes, wells, industrial buildings, public or private utilities and roads,~~  
8 ~~watercourses, dry runs, and other applicable information regarding the general topography~~  
9 ~~within one fourth mile; and~~

10 (C) ~~— Land use and zoning of the proposed site.~~

11 (2) ~~— A letter from the unit of government having zoning jurisdiction over the site which states that the~~  
12 ~~proposed use is allowed within the existing zoning, if any, and that any necessary zoning approval~~  
13 ~~or permit has been obtained.~~

14 (3) ~~— An explanation of how the site complies with siting and design standards in Rule .1404 of this~~  
15 ~~Section.~~

16 (4) ~~— A detailed report indicating the following:~~

17 (A) ~~Waste type(s), source and quantity of the solid waste to be composted, including the source~~  
18 ~~and expected quantity of any bulking agent or amendment (if applicable), any expected~~  
19 ~~recycle of bulking agent or compost, and any seasonal variations in the solid waste type or~~  
20 ~~quantity;~~

21 (B) ~~For facilities which utilize natural soils as a pad, a soil evaluation of the site conducted by~~  
22 ~~a soil scientist down to a depth of four feet or to bedrock or evidence of a seasonal high~~  
23 ~~water table, to evaluate all chemical and physical soil properties and depth of the seasonal~~  
24 ~~high water table.~~

25 (5) ~~Site plans at a scale where one inch is less than or equal to 100 feet to the inch that delineates the~~  
26 ~~following:~~

27 (A) ~~Existing and proposed contours, at intervals appropriate to the topography;~~

28 (B) ~~Location and elevations of dikes, trenches, and other water control devices and structures~~  
29 ~~for the diversion and controlled removal of surface water;~~

30 (C) ~~Designated setbacks, buffer zones and property lines;~~

31 (D) ~~Proposed utilities and structures;~~

32 (E) ~~Access roads, details on traffic patterns;~~

33 (F) ~~Areas for unloading, processing, active composting, curing, and storage of material;~~

34 (G) ~~Areas for unloading, processing, and storing recyclables, household hazardous waste, and~~  
35 ~~other materials, where applicable;~~

36 (H) ~~Proposed surface and groundwater monitoring locations;~~

37 (I) ~~Flood plains and wetlands; and~~

- 1                    ~~(J)     Benchmarks.~~
- 2           (6)    ~~A description of the operation of the facility, which must include at a minimum:~~
- 3                    ~~(A)     Name, address and phone number for the person responsible for the operation of the~~
- 4                                    ~~facility;~~
- 5                    ~~(B)     Operation plan for the facility;~~
- 6                    ~~(C)     List of personnel required and the responsibilities of each position;~~
- 7                    ~~(D)     A schedule for operation, including days and hours that the facility will be open,~~
- 8                                    ~~preparations before opening, and procedures to be followed after closing for the day;~~
- 9                    ~~(E)     For mixed waste processing facilities, plan for removing and disposal of household~~
- 10                                   ~~hazardous waste from the waste stream;~~
- 11                   ~~(F)     Special precautions or procedures for operating during wind, heavy rain, snow, freezing or~~
- 12                                   ~~other adverse conditions;~~
- 13                   ~~(G)     A description of actions to be taken to minimize noise, vectors, air borne particulates, and~~
- 14                                   ~~odors; and~~
- 15                   ~~(H)     A description of the ultimate use for the finished compost, method for removal from the~~
- 16                                   ~~site, and a contingency plan for disposal or alternative usage of residues or finished~~
- 17                                   ~~compost that cannot be used in the expected manner due to poor quality or change in market~~
- 18                                   ~~conditions.~~
- 19           (7)    ~~A report on the design of the facility, including:~~
- 20                    ~~(A)     Design capacity of the facility;~~
- 21                    ~~(B)     A process flow diagram of the entire facility, including the type, size, and location of all~~
- 22                                   ~~major equipment, and feed stock flow streams. The flow streams shall indicate the quantity~~
- 23                                   ~~of material on a wet weight and volumetric basis;~~
- 24                    ~~(C)     A description and sizing of the storage facilities for amendment, bulking agent, solid waste,~~
- 25                                   ~~recyclables, household hazardous waste and finished compost;~~
- 26                    ~~(D)     The means for measuring, shredding, mixing, and proportioning input materials;~~
- 27                    ~~(E)     Anticipated process duration, including receiving, preparation, composting, curing, and~~
- 28                                   ~~distribution;~~
- 29                    ~~(F)     The separation, processing, storage, and ultimate disposal of non compostable materials,~~
- 30                                   ~~if applicable;~~
- 31                    ~~(G)     A description of the location of all temperature, air and any other type of monitoring points,~~
- 32                                   ~~and the frequency of monitoring;~~
- 33                    ~~(H)     A description of how the temperature control and monitoring equipment will demonstrate~~
- 34                                   ~~that the facility meets the requirements in Rule .1406 Items (10), (11), or (12) of this~~
- 35                                   ~~Section, as appropriate for the feedstock;~~
- 36                    ~~(I)     The method of aeration, including turning frequency or mechanical aeration equipment and~~
- 37                                   ~~aeration capacity;~~



- 1                   (J)     A description of the air emission and control technologies;
- 2                   (K)     A description of the method to control surface water run-off; and the method to control,
- 3                                   collect, treat, and dispose of leachate generated; and
- 4                   (L)     A description of any recycling or other material handling processes used at the facility.
- 5           (8)     A description of the label or other information source that meets the requirements of Rule .1407(k)
- 6                                   of this Section.
- 7           (9)     Engineering plans and specifications for the facility, including manufacturer's performance data for
- 8                                   all equipment selected.
- 9   ~~(c) The following information is required for reviewing an application for a permit to operate a Type 4 or Large Type~~
- 10 ~~2 or 3 solid waste composting facility:~~
- 11           (1)     Contingency plans detailing corrective or remedial action to be taken in the event of equipment
- 12                                   breakdown; air pollution; non conforming waste delivered to the facility; spills, and undesirable
- 13                                   conditions such as fires, particulates, noise, vectors, odors, and unusual traffic conditions;
- 14           (2)     A detailed operation and maintenance manual. The manual must contain general design information,
- 15                                   a discussion of compliance with operational requirements as outlined in Rule .1406 of this Section,
- 16                                   detailed operational information and instruction, equipment maintenance, list of personnel, required
- 17                                   personnel training, outline of reports to be submitted in compliance with this Section, and safety
- 18                                   instructions;
- 19           (3)     A quality assurance plan for the process and final product which lists the procedures used in
- 20                                   inspecting incoming materials; monitoring, sampling and analyzing the compost process and final
- 21                                   product, testing schedule, and record keeping requirements;
- 22           (4)     A fact sheet and process flow diagram that summarizes actual equipment sizing, aeration capacity,
- 23                                   detention times, storage capacity, and flow rates (wet weight and volumetric) for the system and
- 24                                   equipment chosen;
- 25           (5)     As built drawings;
- 26           (6)     A copy of all applicable local, state, and Federal permits and approvals necessary for the proper
- 27                                   operation of the facility; and
- 28           (7)     Product marketing and distribution plan.
- 29   ~~(d) An application for a permit modification shall be required for changes in facility ownership, an increase in facility~~
- 30 ~~capacity, or the addition of new feedstock materials.~~

31

32 *History Note: Authority G.S. 130A-294; 130A-309.03; 130A-309.11; 130A-309.29;*

33 *Eff. December 1, 1991;*

34 *Amended Eff. May 1, 1996. 1996;*

35 *Readopted Eff. November 1, 2019.*

36

1 15A NCAC 13B .1406 is readopted with changes as published in 33:24 NCR 2373 as follows:

2  
3 **15A NCAC 13B .1406 OPERATIONAL REQUIREMENTS FOR SOLID WASTE COMPOST**  
4 **FACILITIES**

5 ~~Any~~ A person who maintains or operates a solid waste compost facility shall maintain and operate the site to conform  
6 with the ~~following practices:~~ practices and operational requirements of this Rule.

- 7 (1) Plan and Permit ~~Requirements:~~ Requirements.  
8 (a)(A) ~~Approved Construction~~ plans and conditions of ~~the~~ permit shall be ~~followed.~~ followed, and  
9 (b)(B) A copy of the permit, plans, and operational reports shall be maintained on site at all times.
- 10 (2) ~~Adequate erosion~~ Erosion control measures shall be practiced to prevent on-site erosion and to  
11 control the movement of silt or contaminants from the site.
- 12 (3) ~~Stormwater Surface water~~ shall be diverted from the operations area. ~~operational, compost curing,~~  
13 ~~and storage areas.~~
- 14 (4) Leachate shall be contained on site or treated prior to discharge. ~~[and] treated to meet the standards~~  
15 ~~of the [applicable] off site disposal method. A National Pollutant Discharge Elimination System~~  
16 ~~(NPDES) permit may be required in accordance with 15A NCAC 02B prior to the discharge of~~  
17 ~~leachate to surface waters.~~
- 18 (5) Access and Security ~~Requirements:~~ Requirements.  
19 (a)(A) Large sites facilities as defined in Rule .1402(e)(7) of this Section shall be secured to  
20 prevent unauthorized entry by means such as ~~of~~ gates, chains, berms, or fences. ~~fences, or~~  
21 other security measures demonstrated to provide equivalent protection [and be] approved  
22 by the Division, [Division.] to prevent unauthorized entry.
- 23 (b)(B) An operator shall be on duty at the site at all times while the facility is open for public ~~use~~  
24 use, to ensure compliance with operational requirements and shall prevent unauthorized  
25 access to such facilities shall be controlled. ~~the facility operations area.~~
- 26 (c)(C) The access road to the site shall be of all-weather construction and maintained. ~~maintained~~  
27 ~~in good condition.~~
- 28 (6) A site shall only accept those solid wastes that it is permitted to receive.
- 29 (7) Safety ~~Requirements:~~ Requirements.  
30 (a)(A) Open burning of solid waste ~~is~~ shall be prohibited.  
31 (b)(B) Equipment shall be provided to control accidental fires and arrangements made with the  
32 local fire protection agency to ~~immediately~~ provide fire-fighting services when needed.  
33 (c)(C) Personnel training shall be provided to ~~insure~~ ensure that all employees are trained in site  
34 specific safety, remedial, and corrective action procedures.
- 35 (8) Reporting Fires. Fires shall be reported to the Division orally within 24 hours of the incident and in  
36 writing within 15 days of the incident.
- 37 (9)(8) Sign Requirements: Requirements.

- 1 (a)(A) Signs providing information on waste that ~~can~~ may be received, dumping procedures, the  
2 hours during which the site is open for public use, and the permit number and other  
3 pertinent information shall be posted at the site entrance.
- 4 (b)(B) Traffic ~~signs/markers~~ signs and markers shall be provided ~~as necessary to promote an~~  
5 orderly traffic pattern to direct traffic to and from the discharge area. area and to maintain  
6 efficient operating conditions.
- 7 (c)(C) Signs shall be posted stating that no hazardous waste, asbestos containing waste, or medical  
8 waste ~~can~~ may be received at the site.
- 9 (10)(9) Monitoring Requirements: Requirements.
- 10 (a)(A) ~~Specified monitoring and reporting requirements shall be met. Temperature monitoring~~  
11 shall meet the record-keeping requirements in Rule .1408 of this Section.
- 12 (b)(B) The temperature of all compost produced shall be monitored sufficiently to ensure that the  
13 pathogen reduction criteria ~~is~~ are met. Onsite thermometers shall be calibrated annually  
14 and records of calibration shall be maintained.
- 15 (11)(10) Compost process at Type 1 and Type 2 facilities shall be maintained at or above 55 degrees Celsius  
16 (131 degrees F) ~~3~~ for three days and aerated to maintain elevated temperatures.
- 17 (12)(11) Vector Attraction Reduction (VAR). Types 2, 3 and 4 facilities shall maintain the compost process  
18 at a temperature above 40 degrees Celsius (104 degrees F) for 14 days or longer and the average  
19 temperature for that time shall be higher than 45 degrees Celsius (~~113 degrees F~~). (~~113 degrees F~~)  
20 ~~or, Types 2, 3 and 4 facilities shall meet the vector attraction reduction requirements in 40 CFR~~  
21 ~~503.33(b)(4) or (7). Requirements of 40 CFR 503.33(b)(4) and (7) are hereby incorporated by~~  
22 ~~reference, including any subsequent amendments or additions.~~
- 23 (13)(12) Process to Further Reduce Pathogens (PFRP). The composting process shall qualify as a process to  
24 further reduce pathogens for all Type 3 and Type 4 facilities. The following ~~are~~ shall be acceptable  
25 methods:
- 26 (a)(A) ~~The the~~ windrow composting method, in which the following requirements apply: ~~Aerobic~~  
27 ~~conditions shall be maintained during the compost process. A temperature of 131 degrees~~  
28 ~~F (55 degrees Celsius) or greater shall be maintained in the windrow for at least 15 days.~~  
29 ~~During the high temperature period, the windrow shall be turned at least five times.~~
- 30 (i) aerobic conditions shall be maintained during the composting process;  
31 (ii) a temperature of 131 degrees F (55 degrees Celsius) or greater shall be maintained  
32 in the windrow for at least 15 days; and  
33 (iii) during the high temperature period, the windrow shall be turned at least five times.
- 34 (b)(B) ~~The the~~ static aerated pile composting method, in which the following requirements apply:  
35 ~~Aerobic conditions shall be maintained during the compost process. The temperature of the~~  
36 ~~compost pile shall be maintained at 131 degrees F (55 degrees Celsius) or greater for at~~  
37 ~~least three days.~~

- 1 (i) aerobic conditions shall be maintained during the composting process; and
- 2 (ii) the temperature of the compost pile shall be maintained at 131 degrees F (55
- 3 degrees Celsius) or greater for at least three days.
- 4 (c)(C) The the within-vessel composting method, in which the temperature in the compost piles
- 5 shall be maintained at a minimal temperature of 131 degrees F (55 degrees Celsius) for
- 6 three days.
- 7 (14)(13) Nitrogen bearing wastes shall be incorporated as necessary to minimize odor and the migration of
- 8 nutrients. Putrescible feedstocks added to the compost process shall be incorporated [in such a
- 9 manner to control odor.] using methods to minimize odor such as reducing mixing time or the
- 10 addition of organic material.
- 11 (15) The finished compost shall meet the classification, testing, and distribution requirements in Rule
- 12 .1407 of this Section.
- 13 (16) The amount of compost stored at the facility shall not exceed the designed storage capacity.
- 14 (17) The site shall be operated to minimize odors at the property [boundary.] boundary by means such as
- 15 windrow covers, maintaining design process indicator parameters, and maintaining carbon to
- 16 nitrogen design ratios.
- 17 (18) Odor Corrective Action.
- 18 (a) If the Odor Control Plan prepared in accordance with Rule .1405(10) of this Section has
- 19 been followed and the Division determines during a site visit that offsite odors are not being
- 20 minimized, the owner or operator shall submit to [for approval by] the Division an Odor
- 21 Corrective Action Report. The report shall contain the following:
- 22 (i) a summary of the actions taken in the Odor Control Plan;
- 23 (ii) an identification of onsite odor sources, in order of severity;
- 24 (iii) an evaluation and identification of odorous feedstocks as they relate to odor
- 25 complaints;
- 26 (iv) an evaluation of current operation process indicators including carbon to nitrogen
- 27 (C:N) ratio, pH, moisture content, oxygen levels, temperature, porosity, and
- 28 particle size;
- 29 (v) an evaluation of the compost recipe calculation with C:N ratio testing that is
- 30 performed by an independent laboratory for each feedstock;
- 31 (vi) an identification of potential offsite odor receptors based on their proximity to the
- 32 odor sources and on weather patterns;
- 33 (vii) a description of new odor reduction methods, if proposed, and an evaluation of
- 34 their feasibility, in terms of effectiveness, cost, and equipment needs;
- 35 (ix) an evaluation of the elimination of specific odorous feedstocks; and
- 36 (x) recommendations for implementing new corrective action measures for odor
- 37 minimization, [minimization practices,] including a schedule.

- 1 (b) The owner or operator shall implement the new corrective action measures for odor  
2 minimization recommended in the Odor Corrective Action Report if the Division  
3 determines that the new corrective measures will reduce odors outside of the property  
4 boundary and will comply with the requirements of this Section. The Division may require  
5 the elimination of specific odorous feedstocks if a facility fails to meet the odor  
6 minimization ~~criteria~~ required by Item (17) of this Rule. The Division shall provide  
7 written notice to the owner or operator of the determination.
- 8 (c) The owner or operator shall develop and implement additional [Additional] corrective  
9 action measures [shall be developed and implemented as] if necessary to meet the  
10 requirements of Item (17) of this Rule to minimize odors at the property boundary.

11 (19) Compost Facility Training Requirements.

- 12 (a) Facilities permitted as Large Type 1, Large Type 2, all Type 3, and all Type 4 shall have  
13 an operator, supervisor, or manager trained in accordance with the requirements in G.S.  
14 130A-309.25. No less than one trained operator, supervisor, or manager meeting the  
15 requirements of this Sub-item shall be onsite during the facility's operating hours or  
16 available at a phone number provided in the facility permit.
- 17 (i) Training in accordance with G.S. 130A-309.25(c)[from a Division approved  
18 training course] shall be required every five years. [Approval of other training to  
19 meet this requirement may be requested by the facility. The Division shall approve  
20 other training in cases where the facility can demonstrate other training is at least  
21 equivalent to the Division approved training courses.]
- 22 (ii) Persons who have achieved and maintain compost [manager] operator  
23 certification [by a Division approved from compost manager certification  
24 program approved by the Division, such as certification] by the US Composting  
25 Council Certification Commission or equivalent shall be considered as having met  
26 [these] the training requirements in G.S. 130A-309.25 for the permitted facility.
- 27 (b) [Facilities] Owners or operators shall [be required to] provide annual training for facility  
28 staff, including a review of the operations plan and permit documents.
- 29 (c) Documentation of training required in Sub-items (a) and (b) of this Item shall be  
30 maintained at the facility and made available to the Division upon [request unless otherwise  
31 approved by the Division.] request.
- 32 (d) Facilities permitted before the readopted effective date of this Rule shall meet the  
33 requirements of Sub-item (a) of this Item within three years of the readopted effective date  
34 of this Rule. Facilities permitted after the readopted effective date of this Rule shall meet  
35 the requirements of Sub-item (a) of this Item within 18 months of permit issuance.

36 (14) Miscellaneous Requirements:

1           (A)     ~~The finished compost shall meet the classification and distribution requirements outlined~~  
2                     ~~in Rule .1407 of this Section.~~

3           (B)     ~~The quality of the final product shall determine the allowable uses as outlined in Rule .1407~~  
4                     ~~of this Section.~~

5           (C)     ~~The final product shall be approved by the Solid Waste Section as outlined in Rule .1407~~  
6                     ~~Subparagraph (6)(b) of this Section.~~

7                     (i)     ~~Non-compostable solid waste and unacceptable compost shall be disposed in a~~  
8                     ~~solid waste management facility permitted to receive the particular type of waste under~~  
9                     ~~15A NCAC 13B.~~

10                    (ii)    ~~The amount of compost stored at the facility shall not exceed the designed storage~~  
11                                ~~capacity.~~

12  
13    *History Note:*     *Authority G.S. 130A-294; 130A-309.03; 130A-309.11; 130A-309.29;*  
14                                *Eff. December 1, 1991;*  
15                                *RRC objection Eff. April 18, 1996 due to lack of statutory authority;*  
16                                *Amended Eff. June 1, ~~1996~~ 1996;*  
17                                *Readopted Eff. November 1, 2019.*  
18

1 15A NCAC 13B .1407 is readopted with changes as published in 33:24 NCR 2373 as follows:

2

3 **15A NCAC 13B .1407 ~~CLASSIFICATION/DISTRIBUTION~~ CLASSIFICATION, TESTING, AND**  
4 **DISTRIBUTION OF SOLID WASTE COMPOST PRODUCTS**

5 ~~(a) Compost shall not be applied to the land or sold or given away if the concentration of any metal exceeds the~~  
6 ~~concentration in 40 CFR 502.13(b)(3) [See Table 1 below], unless the concentration of all metals are less than the~~  
7 ~~values in 40 CFR 503.13(b)(1) and records are maintained to show compliance with the cumulative and annual metal~~  
8 ~~levels in 40 CFR 503.13(b)(2) and (4).~~

9

10 ~~Table 1~~

11

| Metals   | Concentration<br>mg per kg |
|----------|----------------------------|
| Arsenic  | 41                         |
| Cadmium  | 39                         |
| Copper   | 1500                       |
| Lead     | 300                        |
| Mercury  | 17                         |
| Nickel   | 420                        |
| Selenium | 36                         |
| Zinc     | 2800                       |

12

13 ~~(b) Solid Waste shall be classified based on Table 2:~~

14

15 ~~Table 2~~

16

| Grade | Manmade<br>Inerts % dry wt. |                    | Metal Concentration |
|-------|-----------------------------|--------------------|---------------------|
|       | of inerts                   | Pathogen Reduction |                     |
| A     | ≤6                          | PFRP               | Table 1             |
| B     | >6                          | NA                 | 40 CFR 503.13(b)(1) |

17

18 ~~(c) Man made inerts shall not exceed 1 inch in size.~~

19 ~~(d) Distribution of the defined grades shall be as follows:~~

- 1 (1) ~~Grade A compost shall have unlimited, unrestricted distribution. This product may be distributed~~  
2 ~~directly to the public;~~
- 3 (2) ~~Grade B compost shall be restricted to distribution for land and mine reclamation, silviculture, and~~  
4 ~~agriculture (on non food chain crops) projects; and~~
- 5 (3) ~~Compost or mulch that is produced at a Type 1 facility and that contains minimal pathogenic~~  
6 ~~organisms, is free from offensive odor, and contains no sharp particles that would cause injury to~~  
7 ~~persons handling the compost, shall have unrestricted applications and distributions if directions are~~  
8 ~~provided with the compost product.~~

9 ~~(e) Solid waste compost products may not be distributed or marketed until the permittee has provided adequate test~~  
10 ~~data to the Division as outlined in Rule .1408 of this Section. Within 30 days of receipt of the test data, the Division~~  
11 ~~shall approve or deny the distribution and marketing of the product based upon the compost classification and~~  
12 ~~distribution scheme. As long as the test data required in Rule .1408 of this Section continues to verify that compost is~~  
13 ~~produced to the specifications of this Rule, the Division's approval to distribute the compost shall be ongoing.~~

14 ~~(f) The applicant is responsible for meeting any applicable requirements of the North Carolina Department of~~  
15 ~~Agriculture, Fertilizer Section concerning the distribution of this product.~~

16 ~~(g) If the owner intends to distribute the product, the owner shall provide instructions to the user on any restrictions~~  
17 ~~on use and recommended safe uses and application rates. The following information shall be provided on a label or~~  
18 ~~an information sheet and a copy of the label or information sheet shall be submitted to the Solid Waste Section:~~

- 19 (1) ~~Classification grade as outlined in Paragraph (d) of this Rule;~~
- 20 (2) ~~Recommended uses;~~
- 21 (3) ~~Application rates;~~
- 22 (4) ~~Restrictions on usage; and~~
- 23 (5) ~~Total N (for products containing sludge).~~

24 (a) Compost or mulch that is produced at a Type 1 ~~facility and that contains minimal pathogenic organisms,~~ facility,  
25 is free from offensive odor, ~~and~~ contains no sharp particles, and, for compost, has met the temperature requirements  
26 in Rule .1406(11) of this Section shall be classified Grade A and have unrestricted application and distribution.  
27 Compost analytical testing shall not be required for Type 1 compost if temperature requirements in Rule .1406(11) of  
28 this Section have been met and documented.

29 (b) Compost produced from Type 2, 3, and 4 facilities shall be sampled and analyzed as follows:

- 30 (1) a composite sample of the compost produced at each compost facility shall be analyzed at intervals  
31 of every 20,000 tons of compost produced or every six months, whichever comes first, for metals  
32 and pathogens;
- 33 (2) compost samples shall be analyzed for the metals listed in 40 CFR 503.13(b)(3), except that analysis  
34 for mercury shall not be required for Type 2 and 3 facilities, and analysis for arsenic and selenium  
35 shall not be required for Type 2 facilities. The concentration of metals in compost offered for sale  
36 or distribution to the public shall not exceed the pollutant concentration limits listed in 40 CFR  
37 503.13(b)(3), 40 CFR 503.13 and 40 CFR 503.32 are incorporated by reference including



1 subsequent amendments and editions. Copies of the Code of Federal Regulations may be obtained  
2 from the U.S. Government Publishing Office website at [www.gpo.gov](http://www.gpo.gov) at no cost;

3 (3) compost samples shall be analyzed for pathogens, either for fecal coliform or salmonella bacteria.  
4 The concentration of pathogens in compost offered for sale or distribution to the public shall not  
5 exceed the concentration limits listed in 40 CFR 503.32(a)(3);

6 (4) sample collection, preservation, and analysis shall assure valid and representative results. At least  
7 three individual samples of equal volume shall be taken from each batch produced in separate areas  
8 along the side of the batch. Each sampling point shall be sampled from a depth of two to six feet  
9 into the pile from the outside surface of the pile as follows:

10 (A) metals samples shall be composited and accumulated over a six-month period or at  
11 intervals of every 20,000 tons of product produced, whichever comes first; and

12 (B) pathogens samples shall be a representative composite sample of the compost and shall be  
13 processed within a period of time required by the testing procedure;

14 (5) analytical testing methods shall be in accordance with the procedures of one of the following:

15 (A) EPA publication SW-846, "Test Methods for Evaluating Solid Waste: Physical/Chemical  
16 Methods." This document is incorporated by reference, including subsequent amendments  
17 and editions, and may be obtained free of charge at <https://www.epa.gov/hw-sw846>;

18 (B) the U.S. Department of Agriculture/U.S. Compost Council publication "Test Methods for  
19 the Examination of Composting and Compost" (TMECC). This document is incorporated  
20 by reference including subsequent amendments and editions, and may be obtained for a fee  
21 of ~~two~~ three hundred fifty dollars ~~(\$250.00)~~ ~~(\$350.00)~~ at  
22 <https://compostingcouncil.org/tmecc/> or a copy may be reviewed free of charge at the  
23 Division of Waste Management, Solid Waste Section office at 217 West Jones Street,  
24 Raleigh, N.C. 27603; or

25 (C) other methods ~~[applicable standards]~~ that are approved by the ~~[Division;]~~ Division as  
26 providing equivalent standards of analysis; and

27 (6) the Division may decrease or increase the parameters to be analyzed or the frequency of analysis  
28 based upon monitoring data, changes in the waste stream or processing, or information regarding  
29 the potential for the presence of contaminants that are not required to be analyzed in this Paragraph.

30 (c) Compost produced from Types 2, 3, and 4 facilities that meet the requirements of Subparagraphs (b)(2) and (b)(3)  
31 of this Rule shall be classified Grade A compost and shall have unlimited, unrestricted ~~[distribution.]~~ distribution,  
32 except as otherwise determined by the Division based on analyses of parameters pursuant to Subparagraph (b)(6) of  
33 this Rule.

34 (d) The facility operator shall be responsible for meeting the requirements of the North Carolina Department of  
35 Agriculture and Consumer Services Plant Industry Division Seed and Fertilizer Section concerning the distribution of  
36 this product.

1 *History Note: Authority G.S. 130A-309.11;*  
2 *Eff. December 1, 1991;*  
3 *RRC objection Eff. April 18, 1996 due to lack of statutory authority;*  
4 *Amended Eff. June 1, ~~1996.~~ 1996.*  
5 *Readopted Eff. November 1, 2019.*  
6

1 15A NCAC 13B .1408 is readopted with changes as published in 33:24 NCR 2373 as follows:

2  
3 **15A NCAC 13B .1408 METHODS FOR TESTING RECORDKEEPING AND REPORTING**  
4 **REQUIREMENTS**

5 (a) ~~The compost product from Type 2, 3, and 4 facilities shall be sampled and analyzed as follows:~~

- 6 (1) ~~A composite sample of the compost produced at each compost facility shall be analyzed at intervals~~  
7 ~~of every 20,000 tons of compost produced or every six months, whichever comes first, for test~~  
8 ~~parameters for each Type of facility as designated in Table 3 of this Rule. Standard methods~~  
9 ~~equivalent to those in Table 3 may be approved by the Division.~~

10  
11 Table 3

12

| Parameter      | Unit           | Facility | Test Method                       |
|----------------|----------------|----------|-----------------------------------|
| Foreign Matter | %              | all      | see Subparagraph (d) of this Rule |
| Arsenic        | mg/kg dry wt.  | Type 4   | See Appendix A                    |
| Cadmium        | mg/kg dry wt.  | all      |                                   |
| Chromium       | mg/kg dry wt.  | Type 4   |                                   |
| Copper         | mg/kg dry wt.  | all      |                                   |
| Lead           | mg/kg dry wt.  | all      |                                   |
| Mercury        | mg/kg dry wt.  | Type 4   |                                   |
| Nickel         | mg/kg dry wt.  | all      |                                   |
| Selenium       | mg/kg dry wt.  | Type 4   |                                   |
| Zinc           | mg/kg dry wt.  | all      |                                   |
| Pathogens      | See Appendix B | all      | See Appendix B                    |
| Total N        | %              | see*     | Kjeldahl                          |

13  
14 \* Total N required for products containing sludge subject to 40 CFR 503.

15 The parameters listed in Table 3 of this Rule may also be determined by methods accepted by the North Carolina  
16 Department of Agriculture.

- 17 (2) ~~Sample collection, preservation, and analysis shall assure valid and representative results pursuant~~  
18 ~~to a Division approved quality assurance plan. At least three individual samples (of equal volume)~~  
19 ~~shall be taken from each batch produced in separate areas along the side of the batch. Each sampling~~  
20 ~~point shall be at a depth of two to six feet into the pile from the outside surface of the pile. Samples~~  
21 ~~that have been analyzed for metals shall be composited and accumulated over a six-month period or~~  
22 ~~at intervals of every 20,000 tons of product produced, whichever comes first. Any sample collected~~  
23 ~~for testing for pathogens and nutrients shall be a representative composite sample of the compost~~  
24 ~~and shall be processed within a period of time required by the testing procedure.~~

1           (3)       Compost containing sewage sludge shall be tested in accordance with 40 CFR 503, Subpart B.

2           (4)       ~~The Division may decrease or increase the parameters to be analyzed or the frequency of analysis~~  
3                    based upon monitoring date, changes in the waste stream or processing, or information regarding  
4                    the potential for presence of toxic substances that are not on the list of monitoring parameters.

5           (5)       ~~Foreign matter content shall be determined by passing a dried, weighed sample of the compost~~  
6                    product through a one quarter inch screen. EPA Method 160.3 shall be used to dry the sample. The  
7                    material remaining on the screen shall be visually inspected, and the foreign matter that can be  
8                    clearly identified shall be separated and weighed. The weight of the separated foreign matter divided  
9                    by the weight of the total sample shall be determined and multiplied by 100. This shall be the percent  
10                  dry weight of the foreign matter content.

11 (a)(b) Record Keeping: All facility Facility owners or operators shall ~~record and~~ maintain records for a minimum of  
12 no less than five years. ~~Records~~ The following records shall be available for inspection by Division personnel during  
13 the facility's normal business hours and shall be sent to the Division upon request:

14           (1)       ~~Daily~~ daily operational records ~~must be maintained, which include, at a minimum, that include~~  
15                    temperature data (length of the composting period) and quantity of material processed;

16           (2)       ~~Analytical~~ analytical results ~~on~~ of compost testing;

17           (3)       ~~The~~ the quantity, ~~type~~ type, and source of waste received;

18           (4)       ~~The~~ the quantity ~~and type~~ of waste processed into compost;

19           (5)       ~~The quantity and type of compost produced by product classification; and~~ the odor management  
20                    records required by Rule .1405(10) of this Section; and

21           (6)       ~~The~~ the quantity ~~and type~~ of compost removed for use or ~~disposal, by product classification, disposal~~  
22                    and the market or permitted disposal facility.

23 (b)(e) Annual Reporting: An annual report for the period July 1 to June 30 shall be submitted by all facility owners  
24 or operators to the Division ~~by August 1, 1996 and every~~ by August 1 of each year thereafter and shall contain:

25           (1)       ~~The~~ the facility name, address, and permit number;

26           (2)       ~~The~~ the total quantity in tons, with sludge values expressed in dry weight, and the type of waste  
27                    received at the facility during the year covered by the report, including tons of waste received from  
28                    local governments of origin;

29           (3)       ~~The total quantity in tons, with sludge values expressed in dry weight, and type of waste processed~~  
30                    into compost during the year covered by the report;

31           (3)(4) ~~The~~ the total quantity in tons ~~and type~~ of compost produced at the facility, ~~by product classification,~~  
32                    facility during the year covered by the report;

33           (4)(5) ~~The~~ the total quantity in tons ~~and type~~ of compost removed for use or disposal from the facility, ~~by~~  
34                    ~~product classification, along with a general description of the market if for use~~ facility during the  
35                    year covered by the report;

36           (5)(6) ~~Monthly~~ monthly temperature monitoring to support Rule .1406 of this Section; and

1           ~~(6)(7)~~ Results of tests required in Table 3 of this Rule. the results of analytical testing required by Rule  
2                       .1407 of this Section.

3 ~~(c)(4)~~ Yearly totals of solid waste received and composted shall be reported back to the local government of origin  
4 for annual recycling reporting.

5  
6 *History Note: Authority G.S. 130A-294; 130A-309.03; 130A-309.11; 130A-309.29;*  
7               *Eff. December 1, 1991;*  
8               *RRC objection Eff. April 18, 1996 due to lack of statutory authority;*  
9               *Amended Eff. June 1, ~~1996~~ 1996;*  
10              *Readopted Eff. November 1, 2019.*  
11

1 15A NCAC 13B .1409 is readopted with changes as published in 33:24 NCR 2373 as follows:

2  
3 **15A NCAC 13B .1409 ~~APPROVAL OF ALTERNATIVE PROCEDURES AND~~ PROCEDURES,**  
4 **VERMICOMPOSTING, AND ANAEROBIC DIGESTION REQUIREMENTS**

5 (a) An owner or operator of a composting ~~facility,~~ facility subject to the provisions of this ~~Rule, Section~~ may request  
6 in writing the approval of an alternative procedure for the facility or the compost that is produced. The following  
7 information shall be submitted to the Solid Waste Section:

- 8 (1) ~~The~~ the specific facility for which the exception is requested;
- 9 (2) ~~The~~ the specific provisions of this Section for which the exception is requested;
- 10 (3) ~~The~~ the basis for the exception;
- 11 (4) ~~The~~ the alternate procedure or requirement for which the approval is sought and a demonstration  
12 that the alternate procedure or requirement provides equivalent protection of the public health and  
13 the environment; and
- 14 (5) ~~A~~ a demonstration of the effectiveness of the proposed alternate procedure.

15 The Division shall approve the request if the alternative procedure is equivalent to procedures provided in the rules of  
16 this Section and is protective of the public health and the environment.

17 (b) Vermicompost Facilities. This Paragraph shall be applicable to vermicompost facilities that receive solid waste  
18 as defined in G.S. 130A-290. Facilities that receive only animal manure or only municipal wastewater treatment  
19 sludge, or both, shall not be subject to this Paragraph.

- 20 (1) The following operations shall be exempt from the requirements of this Section:
  - 21 (A) backyard vermicomposting; and
  - 22 (B) farming operations where the vermicompost is produced from materials grown on the  
23 owner's land and re-used on the owner's land.
- 24 (2) Vermicompost facilities meeting the following conditions shall be exempt from the permitting  
25 requirements in Rule .1405 of this Section:
  - 26 (A) the site receives pre- and post-consumer food waste, manure, vegetative agricultural waste,  
27 yard and garden waste, untreated, unpainted, and uncontaminated wood material, source  
28 separated paper, or any combination thereof;
  - 29 (B) no more than 100 cubic yards of material shall be onsite at any time. This volume shall  
30 include feedstock storage, processing, pre-composting, and active vermicomposting, but  
31 shall not include finished vermicompost;
  - 32 (C) outdoor areas of the site used for feedstock storage, processing, pre-composting, or  
33 vermicomposting in open areas or open containers or bins shall meet the siting criteria and  
34 setback requirements of Rule .1404(a)(1) through (a)(10) of this Section, except that the  
35 minimum setback to the property line shall be at least 50 feet and the minimum setback to  
36 residences or dwellings not owned and occupied by the owner or operator shall be at least  
37 200 feet;

1 ~~(D)(E)~~ outdoor feedstock storage, processing, pre-composting, and vermicomposting operations  
2 areas, that are enclosed on all sides in containers or bins shall maintain a minimum setback  
3 to the property line of at least 25 feet;

4 ~~(E)(F)~~ the site is operated to prevent the release of particulates and odors outside of the property  
5 boundary, and the site does not attract vectors such as insects and rodents; ~~[operates in such~~  
6 ~~a manner that dust and odors do not constitute a public nuisance;]~~

7 ~~(F)(G)~~ surface water shall be diverted from the operational and storage areas. Leachate shall be  
8 contained onsite and treated to meet the standards of the applicable off-site disposal  
9 method;

10 ~~(G)(H)~~ for facilities producing vermicompost that is distributed to the public or used in public  
11 areas, the owner meets the pathogen testing and record keeping requirements of Rule  
12 .1407(b) and .1408(a) of this Section for a Type 3 facility; and

13 ~~(H)(I)~~ the site operates in accordance with all applicable State or local laws, ordinances, rules,  
14 regulations, or orders.

15 (3) A permit shall be required for vermicompost facilities that do not meet the conditions of  
16 Subparagraphs (1) or (2) of this Paragraph. A permit application for a vermicomposting facility shall  
17 include the information required by Rules .1404 and .1405 of this Section, except that Rules  
18 .1405(9)(f) through (9)(h) of this Section do not apply. Operations or parts of operations that are  
19 indoors shall be exempt from the siting requirements of Rule .1404 of this Section. Permitted  
20 vermicomposting facilities shall be subject to:

21 (A) ~~[the operational requirements of]~~ Rule .1406(1) through (9), (14), and (16) of this Section;

22 (B) ~~[the sampling and testing requirements of]~~ Rule .1407 of this Section;

23 (C) ~~[the reporting and recordkeeping requirements of]~~ Rule .1408 of this Section; and

24 (D) ~~[the closure requirements of]~~ Rule .1410 of this Section.

25 (c) Anaerobic Digestion Facilities. This Paragraph shall be applicable to anaerobic digestion facilities that receive  
26 solid waste as defined in G.S. 130A-290. Facilities that receive only animal manure or only municipal wastewater  
27 treatment sludge, or both, shall not be subject to this Paragraph.

28 (1) A solid waste management permit shall be required for the areas of the facility that manage solid  
29 waste. These areas shall include the incoming waste receiving area, the digestate handling area, and  
30 the digestate final disposition and any other areas of the operation where solid waste is exposed to  
31 the environment.

32 (2) A permit application shall contain:

33 (A) the information required by Rules .1404 and .1405 of this Section, with the exception of  
34 Rule .1405(9)(f) through (9)(h). Operations or parts of operations that are in buildings  
35 enclosed on all sides shall be exempt from the siting requirements of Rule .1404 of this  
36 Section; and

37 (B) ~~[detailed]~~ drawings of the following within the waste management areas:

1 (i) hoppers, bays, or vessels, and all other site-specific features related to solid waste  
2 management activities; and

3 (ii) for indoor operations, plan and profile drawings of the buildings with areas and  
4 features labeled.

5 (3) Permitted anaerobic digestion facilities shall be subject to:

6 (A) [the operational requirements of]Rule .1406(1) through (9), (14), and (16) of this Section;

7 (B) [the sampling and testing requirements of]Rule .1407 of this Section for the digestate;

8 (C) [the reporting and recordkeeping requirements of]Rule .1408 of this Section; and

9 (D) [the closure requirements of]Rule .1410 of this Section.

10 ~~(b) An individual may request in writing the approval of a solid waste composting pilot or demonstration project for~~  
11 ~~the purpose of evaluating the feasibility of such a project. The following information shall be submitted to the Solid~~  
12 ~~Waste Section:~~

13 (1) ~~The owner, operator, location, and contact numbers for the project;~~

14 (2) ~~The specific primary waste stream for which the project is to be evaluated;~~

15 (3) ~~The specific time frame for the project;~~

16 (4) ~~The estimated amount of each type of waste or bulking material to be composted;~~

17 (5) ~~The basis for running the pilot or demonstration project;~~

18 (6) ~~A description of all testing procedures to be used;~~

19 (7) ~~A description of the process to be used, including the method of composting and details of the~~  
20 ~~method of aeration;~~

21 (8) ~~The expected final usage or disposal of the final product; and~~

22 (9) ~~An outline of the final report to be submitted to the Solid Waste Section upon completion of the~~  
23 ~~project.~~

24 ~~(c) For Paragraph (a) of this Rule, the Division will review alternative procedures only to the extent that adequate~~  
25 ~~staffing is available.~~

26 ~~(d) Permits shall not be required for primary and secondary school educational projects that take place on the school~~  
27 ~~grounds and that receive less than one cubic yard of material per week.~~

28

29 *History Note: Authority G.S. 130A-294; 130A-309.03; 130A-309.11; 130A-309.29;*

30 *Eff. December 1, 1991;*

31 *RRC objection due to lack of statutory authority Eff. April 18, 1996;*

32 *Amended Eff. June 1, 1996- 1996;*

33 *Readopted Eff. November 1, 2019.*

34



1 15A NCAC 13B .1410 is adopted with changes as published in 33:24 NCR 2373 as follows:

2

3 **15A NCAC 13B .1410 CLOSURE REQUIREMENTS**

4 (a) When the permitted compost facility ceases operations, the owner or operator shall meet the following conditions:

5 (1) all feedstock and unfinished compost materials shall be removed from the site and taken to a  
6 permitted solid waste facility within 180 days; [days, unless otherwise approved by the Division;]

7 (2) finished compost materials left onsite shall comply with G.S. 130A-309.05; and

8 (3) the owner or operator shall notify the Division in writing upon completion of the requirements of  
9 Subparagraph (1) of this Paragraph.

10 (b) When a permitted compost facility has been closed in accordance with the requirements of [the Division,]  
11 Subparagraph (a) of this Rule, the permit shall be terminated. Future compost operations at the site shall require  
12 submittal of a new permit application in accordance with Rule .1405 of [pursuant to] this Section.

13

14 *History Note: Authority G.S. 130A-294; 130A-309.03; 130A-309.11; 130A-309.29;*

15 *Eff. November 1, 2019.*

16