

1 15A NCAC 13B .1701 - .1710 are readopted as a repeal as published in 35:12 NCR 1380 as follows:

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3 **SECTION .1700 - REQUIREMENTS FOR BENEFICIAL USE OF COAL COMBUSTION ~~BY-PRODUCTS~~**
4 **PRODUCTS**

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6 **15A NCAC 13B .1701 DEFINITIONS**

7 **15A NCAC 13B .1702 GENERAL PROVISIONS FOR STRUCTURAL FILL FACILITIES**

8 **15A NCAC 13B .1703 NOTIFICATION FOR STRUCTURAL FILL FACILITIES**

9 **15A NCAC 13B .1704 SITING FOR STRUCTURAL FILL FACILITIES**

10 **15A NCAC 13B .1705 DESIGN, CONSTRUCTION, AND OPERATION FOR STRUCTURAL FILL**
11 **FACILITIES**

12 **15A NCAC 13B .1706 CLOSURE OF STRUCTURAL FILL FACILITIES**

13 **15A NCAC 13B .1707 RECORDATION OF STRUCTURAL FILL FACILITIES**

14 **15A NCAC 13B .1708 OTHER USES FOR COAL COMBUSTION BY-PRODUCTS**

15 **15A NCAC 13B .1709 STORAGE AND CONTAINMENT OF COAL COMBUSTION BY-PRODUCTS**

16 **15A NCAC 13B .1710 ANNUAL REPORTING**

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

19 *Eff. January 4, ~~1994~~.1994;*

20 *Repealed Eff. May 1, 2021.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 13B .1713

DEADLINE FOR RECEIPT: Thursday, April 8, 2021

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends that the following technical changes be made:

In (b), please put "final cover" on line 11 in quotation marks.

In (c), just to be sure that I understand, am I correct that you are not including all of the requirements for 130A-309.220(a) because some of them would not be applicable to site closings? Those you have included are only those that would be applicable?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Amber May
Commission Counsel

Date submitted to agency: Thursday, March 25, 2021

1 15A NCAC 13B .1713 is adopted as published in 35:12 NCR 1380 as follows:

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3 **15A NCAC 13B .1713 REQUIREMENTS FOR EXISTING STRUCTURAL FILLS**

4 (a) This Rule shall apply to existing structural fills. The definitions found in G.S. 130A-290 and G.S. 130A-309.201
5 shall apply to this Rule. For the purposes of this Rule, “existing structural fill” shall mean a structural fill in which
6 coal combustion products were placed prior to September 20, 2014 in accordance with the rules of this Subchapter
7 that were effective at the time of placement of the coal combustion products. Prior editions of the rules in this Section
8 can be obtained free of charge from the Division of Waste Management at 217 West Jones Street, Raleigh, NC 27603.
9 This Rule shall not apply to structural fills contracted for on or after September 20, 2014.

10 (b) Upon closure, an existing structural fill shall comply with the requirements of G.S. 130A-309.222(a). For the
11 purposes of this Rule, final cover as required in G.S. 130A-222(a)(1) shall mean one of the following:

- 12 (1) no less than 12 inches of compacted earth and an additional six inches of soil capable of supporting
13 native plant growth on the surface;
14 (2) an impervious surface such as concrete or asphalt; or
15 (3) a building or structure that does not allow infiltration of precipitation.

16 (c) Following closure, an existing structural fill shall be maintained to comply with the requirements set forth in G.S.
17 130A-309.220(a)(1), (5), (6), (8), (9) and (11), except that the requirements shall not retroactively apply to the design,
18 construction, development, or operation of an existing structural fill. An existing structural fill is subject to the
19 groundwater quality requirements of 15A NCAC 02L and the surface water quality standards set forth in 15A NCAC
20 02B.

21 (d) Following closure, an existing structural fill shall comply with following:

- 22 (1) the landowner of the property where the existing structural fill is located shall not move or change
23 the property boundaries in a way that reduces the existing 25-foot buffer between the existing
24 structural fill and the property boundaries;
25 (2) the landowner of the property where the existing structural fill is located shall maintain the existing
26 100-foot buffer between the existing structural fill and any sources of drinking water on land under
27 the control of that landowner; and
28 (3) final cover as defined in Paragraph (c) of this Rule shall be maintained.

29 (e) An existing structural fill shall be recorded in accordance with G.S. 130A-309.223, except that every use of the
30 term “coal combustion residuals” shall be replaced with the term “coal combustion products.”

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32 History Note: Authority G.S. 130A-294; 130A-309.207; 130A-309.226;
33 Eff. May 1, 2021.