

1 15A NCAC 13B .0101 is readopted with changes as published in 35:04 NCR 451 as follows:

2
3 **15A NCAC 13B .0101 DEFINITIONS**

4 The definitions in ~~G.S. 130A-290~~ Article 9 of Chapter 130A of the General Statutes and the following definitions
5 shall apply throughout this ~~Subchapter.~~ Subchapter, except for Section .1500 of this Subchapter:

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

9 (2)(1) ~~"Agricultural Waste"~~ waste means waste materials produced from the raising of plants and animals,
10 including animal manures, bedding, plant stalks, hulls, and vegetable matter.

11 (3)(2) "Airport" means public-use airport open to the public without prior permission and without
12 restrictions within the physical capacities of available facilities.

13 (4) "Anaerobic digestion" means the biological process in which microorganisms break down
14 biodegradable organic material in the absence of oxygen.

15 (5)(3) ~~"Backyard Composting"~~ composting means the on-site composting of yard waste and food
16 residuals by the owner or tenant of a residential property. The waste material is generated only
17 onsite, and the resulting compost is used only onsite or on the owner or tenant's property. ~~from~~
18 residential property by the owner or tenant for non-commercial use.

19 (6) "Backyard vermicomposting" means the on-site vermicomposting by the owner or tenant of a
20 residential property using organic material from the residential property with the product produced
21 used only onsite or on the owner or tenant's property.

22 (4) ~~"Blood products" means all bulk blood and blood products.~~

23 ~~(7)(5) "Cell" means compacted solid waste completely enveloped by a compacted cover material.~~

24 ~~(7)(8)~~ "Collection center" means a collection point for the temporary storage of solid waste for individual
25 residential households who choose to transport solid waste generated on their own property to a
26 facility owned or operated by a local government, rather than directly to a solid waste management
27 facility permitted in accordance with the rules of this Subchapter. Collection centers are also known
28 as "convenience centers" and "drop-off-centers," and are not ~~[transfer facilities or]~~ transfer stations
29 for the purpose of this Subchapter. A person, business, or local government facility that collects
30 materials for the purpose of recycling, and does not collect any solid waste for the purpose of
31 disposal, is not a collection center for the purpose of this Subchapter. A collection center shall
32 operate ~~[be]~~ in accordance with Rule .0208(a) of this Subchapter.

33 ~~(8)(9)(6)~~ "Compost" means a decomposed, humus-like organic matter, produced in an aerobic
34 composting process that is designed and monitored to ensure that the product is free from pathogens,
35 offensive odors, toxins ~~toxins,~~ or materials harmful at the point of end use. Compost is suitable for
36 use as a soil ~~conditioner,~~ conditioner and may have ~~with~~ varying nutrient values.

(9)[(40)](7) "Compost facility" ~~Facility~~ means a solid waste facility established in accordance with Section .1400 of this Subchapter which that utilizes a controlled biological process of degrading non-hazardous solid waste. A compost facility may include include:

- (a) materials processing and hauling equipment;
- (b) structures to control drainage; and
- (c) structures to collect and treat leachate; and
- (d) storage areas for the incoming waste, the final products, and residual materials.

(10)[(41)](8) "Composting" means the ~~controlled biological~~ decomposition of organic waste by naturally occurring bacteria under an aerobic process that is designed and monitored to yield a stable, humus-like, pathogen-free compost product. ~~final product resulting in volume reduction of 30—75 percent.~~

(11)[(42)](9) "Composting pad" ~~Pad~~ means a surface, whether soil or manufactured, where the process of composting takes place, and where raw and finished materials are stored.

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

(13)[(44)](10) "Curing" means a continuation of the composting process after the high heat stage during which compost stability and maturity continue to increase. Curing occurs after completing the process to further reduce pathogens and the requirements for vector attraction reduction. the final state of composting, after the majority of the readily metabolized material has been decomposed, in which the compost material stabilizes and dries.

(14)[(45)] "C&D [solid] waste" means solid waste generated solely from the construction, remodeling, repair, or demolition operations on pavement and buildings or structures. C&D [solid] waste [may include] 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)[(46)](11) "Demolition landfill" means a sanitary landfill that was limited to receiving stumps, limbs, leaves, concrete, brick, wood, uncontaminated earth or other solid wastes approved by the Division, which either ceased operation or was converted to a land clearing and inert debris landfill (LCIDLF). [LCIDLF, Land Clearing and Inert Debris Landfill pursuant to Rule .0563.

(16)[(47)] "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)[(48)](12) "Division" means the Director of the Division of Waste Management or the Director's authorized representative.

(18)[(49)](13) "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~~
~~mulching~~, and other similar items.

(19)(20)(14) "Explosive gas" means ~~Methane (CH₄)~~, a landfill gas that will propagate a flame in air at
25 degrees Celsius and atmospheric pressure, such as methane or hydrogen sulfide.

(15) ~~"Federal act" means the Resource Conservation and Recovery Act of 1976, P.L. 94-580, as
amended.~~

(20)(21)(16) ~~"Floodplain" "Floodplain", "base floodplain", "one-hundred-year floodplain", or "100-
year floodplain" mean "base floodplain" as defined in G.S. 143-215.52. means the lowland and
relatively flat areas adjoining inland and coastal waters, including flood-prone areas of offshore
islands, which are inundated by the 100-year flood.~~

(21)(22)(17) ~~"Foreign matter"~~ ~~Matter~~ means metals, glass, plastics, rubber, bones, and leather, but does
not include sand, grit, ~~rocks~~ ~~rocks~~, or other similar materials.

(22)(23) "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).

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

(23)(24)(19) "Incineration" means the ~~process disposal of burning~~ solid, semi-solid, or
gaseous combustible wastes through a burning process designed to create to an inoffensive a waste
gas emission that complies with 15A NCAC 02D and a waste residue containing little or no
combustible ~~material~~, material; but is not open burning.

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

(25)(26)(20) "Industrial process waste" ~~Process Waste~~ means any solid, semi-solid, or liquid waste
generated by a manufacturing or processing plant ~~which~~ that is a result of the manufacturing or
processing process. This definition does not include packaging materials associated with such
activities.

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

(a) fertilizer/agricultural chemicals;

(b) food and related products or byproducts;

(c) inorganic chemicals;

(d) iron and steel;

(e) leather and leather products;

- (f) nonferrous metals or foundries;
(g) organic chemicals;
(h) plastics and resins;
(i) pulp and paper;
(j) rubber and miscellaneous plastic products;
(k) stone, glass, clay, and concrete products;
(l) textiles; and
(m) transportation equipment.

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

(27)(28)(21) "Industrial solid waste landfill" Solid Waste Landfill and "ISWLF" means 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, facility for the land disposal of "industrial solid waste" as defined in Item (11) of Rule .1602 of this Subchapter, and is not a The term land application unit, surface impoundment, injection well, or waste pile, as defined under 40 CFR Part 257.

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

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

(30)(31)(22) "Land clearing and inert debris landfill" or "LCIDLF" means 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. facility for the land disposal of land clearing waste, concrete, brick, concrete block, uncontaminated soil, gravel and rock, untreated and unpainted wood, and yard trash.

(31)(32)(23) "Land clearing waste" means land-clearing debris that consists solely of solid waste which is generated solely from land-clearing activities such as stumps, trees, limbs, brush, grass, and other naturally occurring vegetative material.

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

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

(33)(34) "Licensed geologist" means the term as defined in G.S. 89E.

(34)(35) "Licensed professional engineer" means "professional engineer" as defined in G.S. 89C.

(35)(36) "Licensed professional land surveyor" means "professional land surveyor" as defined in G.S. 89C.

(36)(37) "Licensed soil scientist" means the term as defined in G.S. 89F.

(37)(38)(25) "Lower explosive limit" means the lowest percent by volume of a mixture of explosive gases ~~that which~~ will propagate a flame in air at 25 degrees Celsius and atmospheric pressure.

(38)(39)(26) "Microbiological ~~wastes~~" ~~waste~~ means ~~and includes~~ cultures and stocks of etiologic agents. The term includes cultures of specimens from medical, pathological, pharmaceutical, research, commercial, and industrial laboratories.

(39)(40)(27) "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; ~~wooden pallets or skids;~~ laminated wood including flooring; painted, stained, or oiled wood; plywood; or composite boards such as particle board, medium-density fiberboard (MDF), oriented strand board (OSB), or similar products manufactured by binding or fixing the strands, particles, fibers, ~~veneers~~ 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. ~~a protective covering of various substances, substances especially organic, to which no plant food has been added and for which no plant food is claimed. Mulch is generally placed around plants to prevent erosion, compaction, evaporation of moisture, freezing of roots, and weed growth.~~

(40)(41) "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)(42)(28) ~~"One hundred year flood"~~ "One-hundred-year flood", "100-year flood", or "base flood" means "base flood" as defined in G.S. 143-215.52. ~~means a flood that has a one percent or less chance of recurring in any year or a flood of a magnitude equaled or exceeded once in 100 years on the average over a significantly long period.~~

(42)(43)(29) "Open burning" means the term as defined in 15A NCAC 02D .1902. ~~any fire wherein the products of combustion are emitted directly into the outdoor atmosphere and are not directed thereto through a stack or chimney, incinerator, or other similar devices.~~

(43)(44)(30) "Pathogens" means organisms that are capable of producing infection or diseases, often found in waste materials.

(44)(45)(31) "Pathological ~~wastes~~" ~~waste~~ means and includes the following wastes that are removed during surgery and autopsies: human tissues, organs, body parts, secretions and excretions, and blood and body fluids fluids. ~~that are removed during surgery and autopsies; and~~ It also includes the carcasses and body parts of all animals that ~~were~~ have been exposed to pathogens [that are infectious to humans during] in research, were used in the production of biologicals or in the in vivo testing of pharmaceuticals, or that died of a known or suspected infectious [disease transmissible to humans.] disease.

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

(45)(46) "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.

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

(46)(47)(34) "Regulated Medical Waste" medical waste" means blood and body fluids in individual containers in volumes greater than 20 milliliters, ml, microbiological waste, and pathological waste that have not been treated pursuant to Rule .1207-.1204 of this Subchapter.

(47)(48)(35) "Residues from Agricultural Products and Processing" agricultural products and processing" means solids, semi-solids, or liquid residues from food and beverage processing and handling, silviculture, agriculture, and aquaculture operations. The residues shall be that are non-toxic, non-hazardous, and shall contain no domestic wastewater.

(48)(49)(36) "Respondent" means the person against whom an administrative penalty has been assessed.

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

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

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

(50)(52)(38) "Sediment" means the term as defined in G.S. 113A-52. solid particulate matter both mineral and organic, that has been or is being transported by water, air, gravity, or ice from its site [location] of origin.

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

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

(52)(54)(40) "Siltation" "Silt" means sediment resulting from accelerated erosion which that is settleable or removable by control measures that are properly designed, constructed, and maintained control

measures and which has been transported from its point of origin within the site land-disturbing activity and which has been deposited, or is in suspension in water.

(53)(55)(41) "Silviculture Waste" waste" means waste materials produced from the care and cultivation of forest trees, including bark and woodchips.

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

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

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

(55)(58)(44) "Solid waste collector" means any person who collects or transports solid waste by whatever means, ~~methods such as including but not limited to,~~ highway, rail, and navigable waterway.

(56)(59)(45) "Solid waste generator" means any person who produces solid waste.

(57)(60)(46) "Spoiled food" means any food ~~which~~ that has been removed from sale by the United States Department of Agriculture, ~~the N.C. Department of Agriculture and Consumer Services, North Carolina Department of Agriculture, Food and Drug Administration,~~ or any other regulatory agency having jurisdiction in determining that food is unfit for consumption.

(58)(61) "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: [mean parcels of land that are reviewed by the Division to be used to store and process waste generated from]

(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.] amended; or

(b) [These sites may also be established to store or process additional from a natural disaster such as] a hurricane, tornado, severe storm, ice storm, or a 100-year flood event. [event, even if no declaration of a state of emergency or disaster occurs. These sites shall be in accordance with Rule .0208(b) of this Subchapter.]

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

(59)(62)(48) "Transfer facility" ~~station~~ means a permanent structure with mechanical equipment established in accordance with Section .0400 of this Subchapter that is used for the collection

collection, consolidation, or compaction of solid waste prior to the transportation of solid waste for final disposal.

(60)(63)(49) "Treatment and processing facility" means a facility established in accordance with Section .0300 of this Subchapter for ~~used in the treatment and processing of solid waste for prior to the transportation of solid waste for~~ final disposal or for utilization by reclaiming or recycling.

(61)(64)(50) "Vector" means a carrier carrier, such as rodents, insects, and birds, ~~[birds]~~ carrier, ~~usually an arthropod,~~ that is capable of transmitting a pathogen from one organism to another.

(62)(65) "Vermicompost" means the product of the vermicomposting process that is a dark, fertile mixture of decomposed organic waste, bedding material, and granular castings.

(63)(66) "Vermicomposting" means the controlled and managed process by which live worms convert organic materials into vermicompost.

(64)(67) "Vermiculture" means raising of earthworms for the purpose of vermicomposting.

(65)(68)(51) "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)(69)(52) "Water table" means the term defined in 15A NCAC 02L .0102. [and "groundwater table" ~~mean]~~ means the upper limit of the portion of the ground wholly saturated with water.

(67)(70)(53) "Windrow" "Windrow composting" means a process for compost production in which decomposing organic materials are placed in piles and are turned or agitated to assure all parts of the decomposing material meet the requirements of Section .1400 of this Subchapter for pathogen reduction and vector attraction reduction. an elongated compost pile (typically eight feet wide by ten feet high).

(68)(71)(54) "Working face" means that portion of the ~~land~~ solid waste disposal site where solid wastes are discharged, spread, and compacted prior to the placement of cover material.

(55) ~~"Yard trash" means Solid waste resulting from landscaping and yard maintenance such as brush, grass, tree limbs, and similar vegetative material.~~

(69)(72)(56) "Yard Waste" waste" means land-clearing waste and yard trash. "Yard Trash" and "Land clearing Debris" as defined in G.S. 130A 290, including stumps, limbs, leaves, grass, and untreated wood.

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

Eff. April 1, 1982;

Amended Eff. August 1, 2008; October 1, 1995; January 4, 1993; December 1, 1991; February 1, 1991.

Readopted Eff. January 1, 2021.

1 15A NCAC 13B .0102 is readopted with changes as published in 35:04 NCR 451 as follows:

2
3 **15A NCAC 13B .0102 APPLICABILITY**

4 (a) The management of solid waste is subject to Chapter 130A [Article 1 Part 2] Article 1, Part 2, and Article 9 of the
5 General [Statutes; and shall be subject to] Statutes, as well as the rules of this Subchapter.

6 (b) The rules of this Subchapter shall not apply to the management of hazardous waste, with the exception of Rule
7 .0103(h) of this Section. 15A NCAC 13A contains requirements for hazardous waste management.

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

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

17
18 *History Note: Authority G.S. 130A-294;*

19 *Eff. April 1, 1982;*

20 *Amended Eff. February 1, 1991; October 1, ~~1984~~, 1984;*

21 *Readopted Eff. January 1, 2021.*
22

1 15A NCAC 13B .0103 is readopted with changes as published in 35:04 NCR 451 as follows:

2
3 **15A NCAC 13B .0103 GENERAL CONDITIONS~~REQUIREMENTS~~**

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

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

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

17 (d) In addition to the requirements of G.S. 130A-309.10, hazardous waste, liquid [waste,] waste as defined in Rule
18 .0532 of this Subchapter, and regulated medical waste are prohibited from disposal at a solid waste disposal site. The
19 Division may prohibit a waste stream of a particular type or from a particular source from being accepted at solid
20 waste management facilities or disposed of at a solid waste disposal site if the Division determines that the waste
21 stream contains an emerging contaminant or pathogen that may pose a risk to the environment or public health through
22 the management or disposal of such waste at a particular solid waste management facility. If the Division prohibits
23 such a waste stream, the Division shall notify all affected facilities in writing and shall post a notice on the Division's
24 Solid Waste Section website at <https://deq.nc.gov/about/divisions/waste-management/solid-waste-section> no less than
25 48 hours prior to the effective date of the prohibition. The notice shall contain the type or source of the prohibited
26 waste stream, the reason for the prohibition, the effective date of the prohibition, and the ending date of the prohibition
27 or a statement that the prohibition shall be in effect until the Division removes the prohibition.

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

30 (1) ~~hazardous as defined by 15A NCAC 13A, and~~

31 (2) ~~suitable for disposal at a solid waste management facility. Information required for evaluation~~
32 ~~includes the identity of the generator, identity of the waste and how it was generated, and laboratory~~
33 ~~results indicating the chemical constituency of the waste. Copies of "Procedure and Criteria for~~
34 ~~Waste Determination" may be obtained from and inspected at the Division, P.O. Box 27687,~~
35 ~~Raleigh, N.C. 27611 7687. The waste determination procedure shall be used for:~~

36 (A) ~~Waste which is generated outside the population and geographic area which the solid waste~~
37 ~~management facility is permitted to serve under .0504(1)(g).~~

(B) ~~Waste from a transfer facility other than a facility permitted under these Rules.~~

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

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

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

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

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

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

(e) No person shall dispose or cause the disposal of solid waste in or on waters in a manner that results in solid waste's entering waters or being deposited upon lands of the ~~state.~~ 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) [443-245.54] in accordance with the [applicability and] effective date of S.L. 2000-150, s. 5. [dates of S.L. 2000-150.] White Goods shall not be disposed of at a solid waste disposal site after January 1, 1991.

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

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

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

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

(1) For all violations for which a penalty is assessed, a notice of the assessment shall be sent to the respondent by US Postal Service registered or certified mail, or hand-delivered. The notice shall describe the nature of the violation, state the amount of the penalty and the costs assessed in accordance with G.S. 130A-22(j) ("investigative costs"), state when the penalty and investigative costs are due, state that each day of a continuing violation will constitute a separate violation, and advise the respondent of the right to appeal in accordance with G.S. 150B.

1 (2) After the notice has been issued, the respondent may request to settle the penalty assessment and
2 violations through informal procedures as set forth in G.S. 150B-22(a). The Division may reduce
3 the amount of the assessed penalty as a part of a settlement agreement resulting from the informal
4 procedure process.

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

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

9
10 History Note: ~~*Filed as a Temporary Amendment Eff. October 28, 1988, for a Period of 180 Days to Expire on*~~
11 ~~*April 26, 1989;*~~

12 *Authority G.S. 130A-294;*

13 *Eff. April 1, 1982;*

14 *Amended Eff. October 1, 1995; January 4, 1993; February 1, 1991; September 1, ~~1990~~1990;*

15 ~~*Filed as a Temporary Amendment Eff. October 28, 1988, for a Period of 180 Days to Expire on*~~
16 ~~*April 26, 1989;*~~

17 *Readopted Eff. January 1, 2021.*

1 15A NCAC 13B .0202 is readopted with changes as published in 35:04 NCR 451 as follows:

2
3 **15A NCAC 13B .0202 PERMIT APPLICATION**

4 (a) ~~Application~~ Applications for permits required by Rule .0201 of this Section shall be ~~forwarded~~ submitted to the
5 Department of ~~Environment, Health, and Natural Resources, Environmental Quality, Division of Solid-Waste~~
6 Management, Solid Waste Section, ~~Post Office Box 27687, 1646 Mail Service Center, Raleigh, North Carolina 27699-~~
7 1646, 27611. Permit applications shall contain the following information:

- 8 (1) ~~Site~~ site and construction plans;
- 9 (2) ~~An~~ an approval letter from the unit of local government having zoning authority over the area where
10 the facility is to be located stating that the proposed facility meets all of the requirements of the local
11 zoning ordinance, or that the site is not zoned;
- 12 (3) ~~Detailed~~ plans and specifications for solid waste management facilities shall be prepared and
13 certified by a licensed professional engineer if required by G.S. 89C, and is not under the purview
14 of another licensed professional such as a licensed professional land surveyor. [89C:] except for
15 land clearing and inert debris landfills subject to Rule .0563(1) of this Subchapter. The plans shall
16 bear an imprint of the registration seal of the engineer and geological-Geological studies shall be
17 certified by bear the seal of a licensed professional-geologist, in accordance with N.C.G.S. Chapter
18 if required by G.S. 89E, [89E:] and is not under the purview of another licensed profession such as
19 a licensed soil scientist in accordance with G.S. 89F;
- 20 (4) any additional permit application information required to be submitted by the rules of this
21 Subchapter based on the type of facility proposed by the applicant; and
- 22 (5)(4) Any other information that the Division may request in writing for pertinent to the proposed facility.
23 facility, if it is necessary to determine compliance with the requirements of this Subchapter.

24 (b) Specific information for a permit application is found in Sections [.0300 through .1600] .0300, .0400 and .0500
25 of this Subchapter.

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

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

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

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

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

13
14 *History Note: Authority G.S. 130A-294;*

15 *Eff. April 1, 1982;*

16 *Amended Eff. January 4, 1993; February 1, 1991; September 1, 1990; August 1, ~~1988-1988~~;*

17 *Readopted Eff. January 1, 2021.*
18

1 15A NCAC 13B .0203 is readopted with changes as published in 35:04 NCR 451 as follows:

2
3 **15A NCAC 13B .0203 PERMIT APPROVAL OR DENIAL**

4 (a) Upon receipt of a permit application, the Division shall review the request to assure that all provisions of the rules
5 of this Subchapter, these Rules, the Solid Waste Management Act, Article 9 of Chapter 130A of the General Statutes,
6 and the Federal Resource Conservation and Recovery Act of 1976, Public Law 94-580, Act, as amended, will be met.
7 The Division shall review permit applications in accordance with the timelines established in G.S. 130A-295.8(e).
8 Based on its review, the Division shall either approve or deny the request in writing.

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

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

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

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

- 24 (1) ~~Submission~~ submission of incomplete information;
- 25 (2) ~~Failure~~ failure to meet ~~applicable the~~ requirements of this Subchapter; ~~or~~
- 26 (3) ~~Failure~~ failure to meet ~~any applicable a~~ requirement or standard set forth in Article 9 of Chapter
27 130A of the N.C. General Statutes; or
- 28 (4) ~~Any other reasons which siting, design, construction, or operation plans that would prevent the solid~~
29 ~~waste management facility or site from being operated~~ [in the future] in accordance with Article 9
30 of 9, Chapter 130A of the General Statutes, ~~these Rules, the rules [requirements]~~ of this Subchapter,
31 the Federal Resource Conservation and Recovery Act of 1976, Public Law 94-580, [Act,] as
32 amended, or any applicable standards and requirements of G.S. 89C, 89E, or 89F. [89C or 89E.] Act,
33 or acceptable engineering or public health and environmental standards.

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

1 (g) The Secretary [Division] may suspend or revoke a permit in accordance with G.S. 130A-23. If the Secretary
2 [Division] revokes or suspends a permit, the Department [Division] shall notify the owner or operator in writing of
3 the reasons for the permit action.
4

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

6 *Eff. April 1, 1982;*

7 *Amended Eff. August 1, 2008; February 1, 1991; August 1, 1988; February 1, ~~1988~~, 1988;*

8 *Readopted Eff. January 1, 2021.*
9

1 15A NCAC 13B .0301 is readopted with changes as published in 35:04 NCR 451 as follows:

2
3 **SECTION .0300 – TREATMENT AND ~~SOLID WASTE PROCESSING~~ FACILITIES**

4
5 **15A NCAC 13B .0301 SITING AND APPLICATION REQUIREMENTS**

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

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

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

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

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

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

22 (5) Clean Water Act **Requirements:** [**requirements: a**] A site or [**its**] site operations shall:

23 (A) not cause a discharge of pollutants into waters of the United States, including wetlands,
24 that violates any requirements of the Clean Water Act, including the National Pollutant
25 Discharge Elimination System (NPDES) requirements pursuant to Section 402 of the Clean
26 Water **Act;** [**Aet.**]

27 (B) comply with Section 404 of the Clean Water **Act;** and [**Aet.**]

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

32 (6) Buffer Requirements: Unless otherwise stated in the site permit or local zoning requires larger
33 buffers, the waste handling, treatment, processing, and storage areas shall be:

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

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

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

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

(b) A permit applicant shall submit to the Division one electronic copy of a permit application, and the application 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 ~~[a]~~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 ~~[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 ~~[the]~~ any existing ~~[zoning, if any;]~~ 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 ~~[Cultural and]~~ Natural ~~and Cultural~~ Resources stating whether the proposed use of the ~~site~~ ~~[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.

(d) Operations Plan. An application for a permit for a site shall contain an operations plan that shall include a discussion of each of the following items: 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 ~~[planned compliance]~~ with the operational and closure requirements of Rule .0302 of this Section;
- (9) for sites that will accept, process, or recycle construction and demolition wastes, a description of how the site will comply with 40 CFR 61, Subpart M and ~~[Part 61(M);]~~ G.S. 130A-444 through 452; ~~[452, and the rules adopted thereunder;]~~
- (10) a contingency plan that shall address planned operations in the event of loss of power, loss of communications, storm surges, scale malfunctions, and scale software malfunctions; in the event that the disposal site, haul route, or transfer equipment is not available; or during conditions exceeding design parameters. The owner or operator of the site shall provide back-up equipment, ~~[and]~~ contact information to obtain the equipment, and plans to by-pass the site in case of equipment breakdown. The contingency plan shall be kept updated on-site and shall include site-specific ~~[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 ~~[may propose]~~ 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 ~~[when the permit is issued by the Division,]~~ and the site shall comply with the permit in accordance with Rule .0203(d) of this Subchapter.

(g) Permits issued by the Division for treatment and processing facilities ~~are~~ shall be valid for five years; and ~~are~~ 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 the Division in accordance with Paragraph (f) of this Rule]~~ by submitting ~~[the]~~ a written request to the ~~[Division, including]~~ 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(c); ~~[130A-295.8(e),]~~ and the response shall either approve or deny the request as submitted or request that additional information be submitted for the Division to consider the request. The Division's approval shall be based on whether the modification complies with the rules of this Subchapter. If the Division approves the request as submitted or upon receiving the additional information requested, the Division's written approval and the revised pages of the plan shall be added to the ~~[sites]~~ 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 ~~[footprint]~~ existing on the readopted effective date of this Rule, or any replacements or modifications within that existing permitted operational boundary; ~~[footprint];~~ and
- (2) if a building, structure, or waste handling area was constructed prior to the readopted effective date of this Rule, and is expanded beyond ~~[its]~~ the existing permitted operational boundary ~~[footprint]~~ after the readopted effective date of this Rule, the permitted operational boundary ~~[footprint]~~ that was existing on the readopted effective date of this Rule shall not be required to comply with Paragraph (a) of this Rule, but the expansion areas shall comply with these requirements.

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

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

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

Eff. April 1, 1982;

Amended Eff. February 1, 1991, 1991;

Readopted Eff. January 1, 2021.

1 15A NCAC 13B .0401 is readopted with changes as published in 35:04 NCR 451 as follows:

2
3 **SECTION .0400 - TRANSFER STATIONS FACILITIES**

4
5 **15A NCAC 13B .0401 APPLICATION REQUIREMENTS PURPOSE AND APPLICABILITY**

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

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

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

15 (1) Transfer stations that did not receive a permit to operate from the Division prior to the readopted
16 effective date of this Rule shall comply with the rules of this Section.

17 (2) Transfer stations that received a permit to operate from the Division prior to the readopted effective
18 date of this Rule shall comply with the rules of this Section with the following exceptions:

19 (A) buildings, structures, and waste handling areas constructed prior to the readopted effective
20 date of this Rule shall not be required to comply with Rule .0403(a), (b)(1), or (b)(2) of
21 this Section for the permitted operational boundary of the transfer station [footprint]
22 existing on the readopted effective date of this Rule, or any replacements or modifications
23 within that existing permitted operational boundary; [footprint]; and

24 (B) if a building, structure, or waste handling area was constructed prior to the readopted
25 effective date of this Rule, and is expanded beyond [its] the existing permitted operational
26 boundary of the transfer station [footprint] after the readopted effective date of this Rule,
27 the permitted operational boundary [footprint] that was existing on the readopted effective
28 date of this Rule shall not be required to comply with Rule .0403(a), (b)(1), or (b)(2) of
29 this Section, but the expansion areas shall comply with these requirements.

30 Transfer station buildings, structures, and waste handling areas that are exempt from the
31 requirements of Rule .0403(a), (b)(1), and (b)(2) of this Section by this Subparagraph shall continue
32 to comply with the comparable siting, buffer, and construction requirements stated in their permit
33 issued prior to the [readoption] readopted effective date of this Rule.

34 (b) Transition period: Transfer stations that have an effective permit issued [permitted] by the Division prior to the
35 readopted effective date of this Rule shall submit to the Division an assessment report demonstrating compliance with
36 the following conditions and the rules of this Section by no later than six months from the readopted effective date of
37 this Rule:

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

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

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

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

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

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

25
26 *History Note: Authority G.S. 130A-294;*

27 *Eff. April 1, 1982;*

28 *Amended Eff. February 1, ~~1991~~1991;*

29 *Readopted Eff. January 1, 2021.*

1 15A NCAC 13B .0402 is readopted with changes as published in 35:04 NCR 451 as follows:

2
3 **15A NCAC 13B .0402 OPERATIONAL REQUIREMENTS GENERAL REQUIREMENTS**

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

6 (1) ~~Operational plans shall be approved and followed as specified for the facility;~~

7 (2) ~~A facility shall only accept those wastes which it is permitted to receive;~~

8 (3) ~~Water that comes into contact with solid waste will be contained on site or properly treated prior to~~
9 ~~discharge from the site. An NPDES permit may be required prior to discharge to surface waters;~~

10 (4) ~~Equipment for fire control shall be available;~~

11 (5) ~~Effective vector control measures shall be applied to control flies, rodents, and other insects or~~
12 ~~vermin;~~

13 (6) ~~Equipment shall be provided in the storage and charging areas and elsewhere as needed or as may~~
14 ~~be required in order to maintain the facility in a sanitary condition; and~~

15 (7) ~~Appropriate method shall be provided to confine material subject to be blown by the wind within~~
16 ~~the area. At the conclusion of each day of operation, all windblown material resulting from the~~
17 ~~operation shall be collected and returned to the area by the owner or operator.~~

18 (a) The owner or operator of a transfer station (site) shall comply with the conditions of the permit issued by the
19 Division. In the event of noncompliance with the permit, the owner or operator shall [take all reasonable steps to
20 prevent releases to the environment and shall carry out such measures as are reasonable to] minimize the release of
21 waste, leachate, or contaminants to the environment, and shall prevent adverse impacts to human health or the
22 environment.

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

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

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

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

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

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

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

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

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

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

14
15 *History Note: Authority G.S. 130A-294;*

16 *Eff. April 1, ~~1982~~, 1982;*

17 *Readopted Eff. January 1, 2021.*
18

1 15A NCAC 13B .0403 is adopted with changes as published in 35:04 NCR 451 as follows:

2
3 **15A NCAC 13B .0403 SITING AND DESIGN REQUIREMENTS**

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

- 5 (1) Floodplain Restrictions: The portions of the site containing the buildings, leachate collection
6 systems, and any areas where storage or processing of solid waste occurs shall not be located in the
7 100-year floodplain.
- 8 (2) Cultural Resources Restrictions: A site shall not damage or destroy a property of archaeological or
9 historical significance that has been listed on the National Register of Historic Places or included
10 on the Study List for the Register pursuant to 07 NCAC 04R .0206 and .0300. ~~.0300 which are~~
11 ~~incorporated by reference including subsequent amendments and editions.~~
- 12 (3) State Nature and Historic Preserve Restrictions: The location, access, size, and operation of the site
13 shall not have an adverse impact on any component included in the State Nature and Historic
14 Preserve pursuant to G.S. 143-260.10.
- 15 (4) Endangered and Threatened Species Restrictions: A site shall not jeopardize the continued existence
16 of endangered or threatened species or result in the destruction or adverse modification of a critical
17 habitat, protected under the Federal Endangered Species Act of 1973, Public Law 93-205, as
18 amended.
- 19 (5) Clean Water Act Requirements: [requirements: a] ~~A~~ site or site operations shall:
- 20 (A) not cause a discharge of pollutants into waters of the United States, including wetlands,
21 that violates any requirements of the Clean Water Act, including the National Pollutant
22 Discharge Elimination System (NPDES) requirements pursuant to Section 402 of the Clean
23 Water Act; ~~Act~~.
- 24 (B) comply with Section 404 of the Clean Water Act; ~~and Act~~.
- 25 (C) not cause the discharge of a nonpoint source of pollution to waters of the United States,
26 including wetlands, that violates any requirement of an area-wide or Statewide water
27 quality management plan that has been approved under Section 208 or 319 of the Clean
28 Water Act.
- 29 (6) Buffer Requirements: Unless otherwise stated in the site permit or local zoning requires larger
30 buffers, the waste loading, unloading, and storage areas at the site shall be:
- 31 (A) no less than 100 feet from supply wells;
- 32 (B) no less than 100 feet from property lines;
- 33 (C) no less than 50 feet from waters of the State as defined in G.S. 143-212, or wetlands as
34 defined in 40 CFR 232.2; and
- 35 (D) surrounded by an unused and cleared area of no less than 25 feet to allow access for fire or
36 emergency response vehicles.

37 (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 areas~~ shall be located within an enclosed building or covered area to prevent precipitation from coming into contact with waste, and all waste shall be managed on ~~contained in~~ the tipping ~~floors area~~ 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 ~~be covered and in compliance~~ comply with Rule ~~.0405(c)~~ .0405 of this ~~Subchapter~~ 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.

1 (15) Sites shall be designed and operated to minimize the spread of odors and fugitive dust emissions
2 generated by solid waste over the property line to comply with 15A NCAC 02D .0540 and .1806.

3 (16) Sites shall be designed, operated, and maintained to direct surface water run-on and run-off to
4 prevent ponding or collection of surface water in waste handling and storage areas.

5 (17) Sites that intend to accept, process, or recycle construction and demolition wastes shall be designed
6 to comply with 40 CFR 61, Subpart M, and Part 61(M), G.S. 130A-444 through 452.452, and the
7 ~~rules adopted thereunder.~~

8
9 *History Note:* *Authority G.S. 130A-294;*
10 *Eff. January 1, 2021.*

1 15A NCAC 13B .0404 is adopted with changes as published in 35:04 NCR 451 as follows:

2
3 **15A NCAC 13B .0404 APPLICATION REQUIREMENTS**

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

7 (b) Permit applications for transfer stations ~~are~~ shall be subject to the permit application fees required by G.S.
8 130A-295.8.

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

10 (1) Permit Approval to Construct. An application for a permit approval to construct a transfer station
11 shall meet the requirements of Paragraphs (g) through (m) of this Rule and shall be submitted to the
12 Division prior to commencing construction of the site. ~~The A permit applicant shall submit to the~~
13 Division one electronic copy of a permit application, which application shall contain ~~include~~ the
14 plans required in Paragraphs (g) through (j) of this Rule.

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

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

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

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

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

- 1 (1) an aerial photograph, representative of existing conditions, at a scale of ~~a~~ at least one inch equals
2 400 feet, showing the area within one quarter mile of the proposed site's boundaries with the
3 following identified:
- 4 (A) property lines of the entire property where the site will be located;
5 (B) existing land use and zoning;
6 (C) location of all private residences, commercial and industrial buildings, public or private
7 utilities, roads, and schools;
8 (D) on-site easements;
9 (E) location of potable wells and public water supplies;
10 (F) historic sites described in Rule .0403(a)(2) of this Section;
11 (G) State ~~state~~ nature and historic preserves described in Rule .0403(a)(3) of this Section;
12 (H) the existing topography and features of the site including general surface water drainage
13 patterns and watersheds, 100-year floodplains, perennial and intermittent streams, rivers,
14 and lakes; and
15 (I) the classification of the surface water drainage from the site in accordance with 15A NCAC
16 02B .0300.
- 17 (2) a siting report demonstrating compliance with the siting criteria of Rule .0403(a) of this Section,
18 including a letter from the unit of government having zoning jurisdiction over the site that states
19 that the proposed use is allowed within the any existing zoning, if any; zoning and that any necessary
20 zoning approval or permit has been obtained, and that states the local zoning buffers that apply to
21 the site.
- 22 (3) letters from both the State Historic Preservation Office and the Natural Heritage Program within the
23 Department of ~~Cultural and Natural~~ and Cultural Resources stating whether the proposed use of the
24 property site as a solid waste transfer station will impact the historic sites described in Rule
25 .0403(a)(2) of this Section; State nature and historic preserves described in Rule .0403(a)(3) of this
26 Section; or the endangered or threatened species described in Rule .0403(a)(4) of this Section
27 located at the site, on the transfer station property.
- 28 (h) Construction Plan. An application for a permit for a site shall contain a construction plan that includes the
29 following items:
- 30 (1) Site construction ~~Construction~~ drawings showing:
- 31 (A) existing and proposed contours;
32 (B) property boundaries;
33 (C) the location of barriers, fences, or other structures that control access to the site; site,
34 (D) buffer areas and distances to wells, residences, wetlands and water ~~bodies~~ bodies, and
35 descriptions of any buffer requirements by local government zoning regulations;
36 (E) the water diversion, collection, conveyance, erosion and sedimentation control, treatment,
37 storage, and discharge facilities that will be used, such as drainage patterns and surface

- 1 water drainage control structures both within the area and at the site perimeter, including
2 berms, ditches, sedimentation basins, pumps, sumps, culverts, pipes, inlets, velocity
3 breaks, sodding, erosion matting, or other methods of erosion control;
- 4 (F) the solid waste storage, loading, and unloading areas, including the tipping floor;
- 5 (G) buildings and facilities that will be used in the operation, including their horizontal and
6 vertical dimensions;
- 7 (H) concrete foundations or pads and identification of all other ground cover for the site
8 operation;
- 9 (I) location of scales and weigh stations that will be used in the operation;
- 10 (J) a survey grid with base lines and monuments that will be used for field control;
- 11 (K) access roads and traffic flow patterns to and within the site;
- 12 (L) leachate collection, control, and treatment systems including pipes, manholes, trenches,
13 berms, collection sumps or basins, pumps, risers, liners, and liner splices; and
- 14 (M) materials management handling areas for sites that will manage pre-sorted recyclables and
15 any materials diverted from the incoming waste stream; and
- 16 (2) a description of how the site will comply with the design requirements of Rule .0403(b) of this
17 Section.
- 18 (i) Operations Plan. An application for a permit for a site shall contain an operations plan that shall include ~~a discussion~~
19 ~~of each of the following items; the following information:~~
- 20 (1) the type and quantity of waste that will be accepted, the anticipated sources of the waste accepted,
21 the intended destination of waste removed from the site, and the intended destination of recovered
22 materials if any are proposed to be removed from the site;
- 23 (2) the procedures and anticipated processing and storage times for the activities that the site is
24 proposing to conduct, such as receiving, screening, processing, handling, salvaging, storage, and
25 removal of waste and recovered materials including recyclables, wastes banned from landfill
26 disposal in accordance with G.S. 130A-309.10(f), and special wastes as defined in G.S. 130A-
27 290(a)(40);
- 28 (3) the hours of operation, staffing, parking for visitors and employees, and traffic routing;
- 29 (4) methods for vector control, dust and odor control, drainage and erosion control, fire prevention, and
30 daily cleanup;
- 31 (5) record-keeping procedures;
- 32 (6) groundwater and surface water monitoring and corrective action, if required by the Division in
33 accordance with Rule .0405(a)(2) of this Section;
- 34 (7) a description of how the site will comply ~~planned compliance~~ with the operational requirements of
35 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 Part 61(M), G.S. 130A-444 through 452; 452, and the rules adopted thereunder;
- (9) for sites designed with a leachate collection system, a leachate management plan that includes the ~~following:~~ following information:
- (A) ~~a description of~~ the performance and design concepts for the leachate collection system and any storm water segregation included in the engineering design;
 - (B) monitoring procedures for leachate storage tanks, if present; ~~present, to ensure proper functioning;~~
 - (C) operational control methods to ensure that surface water is diverted from the operational area, and the tipping floor is free of standing water; and
 - (D) a process to abandon or remove the leachate collection system upon closure of the site. The Division may allow leachate collection systems to remain in place for future use if the owner or operator provides documentation of measures taken to comply with the requirements of this Section and to protect human health and safety and the environment, such as capping or blocking of any discharge points or open-ended piping to prevent unintended collection, storage, or discharge of leachate. The Division may also require recordation and land use restrictions in accordance with Rule .0406(b)(4).~~.0406(7)~~ of this Section;
- (10) a contingency plan that shall address planned operations in the event of loss of power, loss of communications, storm surges, scale malfunctions, and scale software malfunctions; in the event that the disposal site, haul route, or transfer equipment is not available; or during conditions exceeding design parameters. The owner or operator of a site shall provide back-up equipment, and contact information to obtain the equipment, and plans to by-pass the site in case of equipment breakdown. The contingency plan shall be kept updated on-site and shall include site-specific emergency procedures and contact information in case of emergencies; and
- (11) additional information for activities or features that the owner or operator is proposing that are not otherwise described in this Paragraph, or that the Division may request 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; ~~systems.~~
 - (2) a schedule for completing ~~all activities necessary to satisfy the closure criteria~~ activities as set forth in Rule .0406 of this Section;

- 1 (3) the cost estimate for closure and ~~post-closure~~ post-closure care activities; and
- 2 (4) a plan for retention of operating record and receipts including those from closure activities.
- 3 (k) Sites shall comply with financial responsibility requirements in accordance with G.S. 130A-295.2 and Section
- 4 .1800 of this Subchapter. If the Division requires the site to conduct post-closure care in accordance with Rule .0406(c)
- 5 ~~.0406(b)~~ of this Section, the site shall maintain financial assurance during the post-closure care period until released
- 6 from post-closure care by the Division.
- 7 (l) Owners or operators of sites are subject to the compliance history review requirements in G.S. 130A-295.3.
- 8 (m) Sites shall comply with the traffic study requirements in G.S. 130A-295.5, ~~130A-295.5~~.
- 9 (n) Following completion of construction but prior to commencing operations, the owner or operator shall submit to
- 10 the Division the as-built drawings and a final construction report that the site has been constructed in accordance with
- 11 the Division-approved drawings and specifications in the permit to construct. If required by G.S. 89C, these items
- 12 shall be certified by a licensed professional engineer.

13

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

15 *Eff. January 1, 2021.*

16

1 15A NCAC 13B .0405 is adopted with changes as published in 35:04 NCR 451 as follows:

2
3 **15A NCAC 13B .0405 OPERATIONAL REQUIREMENTS**

4 (a) The owner or operator of a transfer station (site) shall maintain and operate the site in accordance with the ~~approved~~
5 operations plan ~~submitted in accordance with~~ incorporated into the permit by Rule .0404(d) .0404(i) of this Section
6 and the following conditions:

- 7 (1) Dust and Odor Control. Fugitive dust emissions generated by site operations shall comply with 15A
8 NCAC 02D .0540. The site shall comply with 15A NCAC 02D .1806 for odors.
- 9 (2) Groundwater and Surface Water ~~Monitoring and Corrective Action~~ Requirements. The site shall
10 prevent the release of leachate and contaminants to groundwater and surface water and shall not
11 cause an exceedance of the groundwater quality standards in 15A NCAC 02L or the surface water
12 quality standards in 15A NCAC 02B. In the event of a release of leachate or contaminants to the
13 environment, the site shall comply with 15A NCAC 02L. 02L and the surface water quality
14 standards in 15A NCAC 02B.
- 15 (3) Fire Protection and Control.
- 16 (A) Open burning of solid waste is prohibited at all sites, unless approval has been obtained
17 from the Division, and from the Division of Air Quality in accordance with 15A NCAC
18 02D .1900, and from the local government prior to any burning activity.
- 19 (B) Hot ashes, ~~hot loads, or cinders~~ cinders, and waste that is smoldering, smoking, or burning
20 shall not be accepted at a site. The waste screening procedures required in accordance with
21 Subparagraph (8) of this Paragraph and described in the operations plan shall address
22 identification and rejection of this waste. loads containing hot ashes and cinders.
- 23 (C) The operator of a site shall provide equipment on-site to control fires and make ~~documented~~
24 arrangements with a local fire protection agency to provide fire-fighting services.
- 25 (D) The operator shall verbally notify the Division of fires that occur at a site within 24 hours
26 of the fire and shall submit a written report to the Division within 15 days of the fire. The
27 report shall include the site name and permit number; the date and time of the fire; actions
28 taken by the operator in response to the fire; the cause of the fire; the location and size of
29 the fire; the area, type, type and amount of waste that caught fire; and a plan of action to
30 prevent fires in the future; the name and title of the person submitting the information,
31 information; and the date the information is submitted.
- 32 (4) Vector Control. Owners or operators of a site shall operate and maintain the site to prevent on-site
33 populations of vectors.
- 34 (5) Noise Control. Noise levels shall meet local ordinances if they exist. If local ordinances for noise
35 do not exist, noise levels for site operations, except fire and safety alarms, shall not exceed 85
36 decibels at the property line.

- (6) Erosion and Sedimentation Control Requirements. The site shall comply with 15A NCAC 04, ~~which is incorporated by reference including subsequent amendments and editions;~~ 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, ~~PCB waste~~, special wastes as defined in G.S. 130A-290(a)(40), wastes banned from landfill disposal in accordance with G.S. 130A-309.10(f) if the site receiving the waste for disposal is a landfill, and wastes that the intended final disposal site is not permitted by the Division to accept. The screening shall be conducted as described in the approved operations plan prepared in accordance with Rule .0404(i) of this Section. Waste screening and rejected wastes shall be recorded in writing, and the records shall be kept on site for no less than five years and shall be made available to the Division during a site inspection or upon request.
- (B) The owner or operator shall include in the operations plan a plan to manage any identified hazardous and liquid wastes. The plan shall address identification, removal, storage, and final disposal of the waste.
- (9) Waste Acceptance: Sites shall not accept the following:
- (A) hazardous waste unless the site is permitted by the Division in accordance with 15A NCAC 13A to receive such waste;
- (B) polychlorinated ~~biphenyl biphenyls~~ (PCB) wastes as defined in 40 CFR 761.3, which is incorporated by reference, including subsequent amendments and editions, and may be accessed at www.ecfr.gov at no cost;
- (C) asbestos waste unless the waste is received and handled in compliance with the requirements of 40 CFR 61.150, which is incorporated by reference, including subsequent amendments and editions, and may be accessed at www.ecfr.gov at no cost. Bags shall be no less than six mil thick and shall be labeled with the warning required by 40 CFR 61.150(a)(1)(iv) that they contain asbestos-containing materials. Sites shall provide notice to the landfill facility receiving the asbestos waste prior to ~~disposal~~ 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. ~~destination; and~~

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

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

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

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

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

(11) Site Cleaning and Maintenance: Unless otherwise stated in the site permit, all waste shall be removed from the tipping floor, the truck loading bays, and from behind push walls by the end of each day of operation and disposed of in accordance with this Subchapter. The tipping floor, push walls, and truck loading bays shall be cleaned with a pressure washer no less than once per month. The remaining areas of the site building including side walls and any material storage areas outside of the building shall be cleaned with a pressure washer no less than twice per year. Wash water generated from cleaning waste handling areas shall be contained and treated as leachate. Cleaning and maintenance records shall be maintained and made available to the Division upon 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 ~~Parts~~ 258.26 and 258.27, which are incorporated by reference, including subsequent amendments and editions, and may be accessed at www.ecfr.gov at no cost.

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

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

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

- (2) amounts by weight of solid waste received at the site including county and state of generation, in accordance with G.S. 130A-309.09D;
- (3) demonstrations, certifications, findings, monitoring, testing, or analytical data required by the rules of this Section;
- (4) closure or post-closure care monitoring, testing, or analytical data required by the rules of this Section;
- (5) cost estimates and financial assurance documentation required by Section .1800 of this Subchapter;
- (6) site audit records, compliance records, maintenance records, and inspection reports;
- (7) a copy of the current Permit to Construct and Permit to Operate;
- (8) a copy of the plans that have been incorporated into the permit in accordance with Rule .0404(d) of this Section; and
- (9) a Corrective Action Plan, if required by 15A NCAC 02L .0106. ~~Subparagraph (a)(2) of this Rule.~~

(e) Access requirements.

- (1) Sites shall be secured to prevent unauthorized entry by means such as gates, chains, berms, or fences.
- (2) An attendant shall always be on duty at the site while it is open for public use to ensure compliance with operational requirements.
- (3) The access roads shall be of all-weather construction and maintained to be accessible by loaded collection vehicles and by the Division.
- (4) Signs shall be posted at the site entrances unless otherwise stated in the site permit. The signs shall be constructed of a durable, weather-resistant material. The signs shall be clear and legible to the public. ~~and The signs shall state show~~ the name of the operator of the site, emergency contact information, the operating hours of the site, the permit number of the current permit authorizing operations at the site, the types of waste that can be accepted under the permit, and that hazardous waste and liquid waste cannot be accepted at the site.

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

1 15A NCAC 13B .0406 is adopted with changes as published in 35:04 NCR 451 as follows:

2
3 **15A NCAC 13B .0406 CLOSURE REQUIREMENTS**

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

- 5
6 (1) The owner or operator shall submit written notification of closure to the Division no less than 90
7 days prior to the proposed date of cessation of waste acceptance at ~~the a~~ site.
8 (2) The owner or operator shall begin closure activities in Paragraph (b) of this Rule no later than 30
9 days after the date of the final receipt of waste at the site.
10 (3) The owner or operator shall ~~remove all waste from the site in accordance with the requirements of~~
11 ~~this Subchapter, and complete closure activities in Paragraph (b) of this Rule of the site in~~
12 ~~accordance with the site permit and the rules of this Section within 180 days following the after~~
13 ~~beginning of the closure activities~~ as specified in Subparagraph (2) of this Paragraph.
14 (4) When the requirements of ~~Subparagraph (3) of this Paragraph (b)~~ have been met, the owner or
15 operator shall notify the Division in writing that the requirements have been met. The notification
16 shall ~~describe state~~ how the requirements were met and shall be placed in the operating record.
17 (5) A final inspection for closure shall be conducted by the Division to verify that the conditions of
18 closure in this Rule have been met.

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

- 20 (1) The owner or operator shall remove all waste from the site in accordance with the requirements of
21 this Subchapter.
22 (2)(6) Leachate collection systems, if present, shall be closed in accordance with the ~~approved~~ leachate
23 management plan ~~submitted in accordance with incorporated into the permit by Rule .0404(d)~~
24 ~~.0404(i)(9)~~ of this Section.
25 (3) The owner or operator shall complete any closure activities stated in the closure plan incorporated
26 into the permit by Rule .0404(d) of this Section.
27 (7) ~~Recordation and Land Use Restrictions.~~
28 (4)(A) ~~If the site has been required by the Division to conduct a corrective action program following closure~~
29 ~~of the site in accordance with this Rule, or elects to leave a leachate collection system or tank in~~
30 ~~place for future use, the owner or operator shall submit to the Division a notice for the site property~~
31 ~~that has been recorded record a notice for the site property at the local county Register of Deeds~~
32 ~~office that meets the following criteria:~~
33 (A) The notice shall be is discoverable during a title search for the site property deed. property,
34 ~~and notify the Division that the notice has been recorded and a copy has been placed in the~~
35 ~~operating record.~~
36 (B) The notice shall be in accordance with G.S. 130A-310.71(e) or G.S. 143B-279.10.

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

3 ~~(C)~~ Upon written request by the owner or operator, the Division shall provide the land owner
4 of record documentation to record with the county Register of Deeds, stating that site use
5 is no longer restricted if all post closure care activities required by the Rules of this Section
6 are completed, the Division authorizes termination of any corrective action program in
7 accordance with 15A NCAC 02L .0106, and the leachate collection system has been
8 removed.

9 ~~(c)(b)~~ If the Division requires groundwater or surface water monitoring or corrective action at ~~the a~~ site in accordance
10 with Rule .0405(a)(2) of this Section, the monitoring and corrective action at the site shall continue in a post-closure
11 care period until the Division authorizes termination of corrective action at the site in accordance with 15A NCAC
12 02L .0106.

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

- 18 (1) all post-closure care activities required by the rules of this Section have been completed;
19 (2) the Division authorizes termination of any corrective action program in accordance with 15A NCAC
20 02L .0106; and
21 (3) any leachate collection system has been removed.

22
23 *History Note: Authority G.S. 130A-294;*
24 *Eff. January 1, 2021.*
25

1 15A NCAC 13B .0503 is readopted with changes as published in 35:04 NCR 451 as follows:

2
3 **15A NCAC 13B .0503 SITING AND DESIGN REQUIREMENTS FOR ~~DISPOSAL SITES~~ INDUSTRIAL**
4 **SOLID WASTE LANDFILLS**

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

7 (1) ~~A site shall meet the following siting requirements:~~

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

11 (b) ~~A site shall be located in consideration of the following:~~

12 (i) ~~a site shall not cause or contribute to the taking of any endangered or threatened~~
13 ~~species of plants, fish, or wildlife;~~

14 (ii) ~~a site shall not result in the destruction or adverse modification of the critical~~
15 ~~habitat of endangered or threatened species as identified in 50 C.F.R. Part 17~~
16 ~~which is hereby incorporated by reference including any subsequent amendments~~
17 ~~and editions. This information is available for inspection at the Department of~~
18 ~~Environment, Health, and Natural Resources, Division of Solid Waste~~
19 ~~Management, 401 Oberlin Road, Raleigh, North Carolina 27605 where copies~~
20 ~~can be obtained at no cost;~~

21 (iii) ~~a site shall not damage or destroy an archaeological or historical site; and~~

22 (iv) ~~a site shall not cause an adverse impact on a state park, recreation or scenic area,~~
23 ~~or any other lands included in the state nature and historic preserve.~~

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

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

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

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

- (5)(e) A ~~new~~ site disposing of putrescible wastes shall not be located within 10,000 feet of an airport runway used by turbojet aircraft or within 5,000 feet of an airport runway used by piston-type aircraft; and
- (6)(d) A site shall have available ~~adequate suitable~~ soils for cover either on-site or from off-site.
- (b)(2) A site shall comply with the following design requirements for a permit to be issued: ~~A site shall meet the following design requirements:~~
- (1)(a) If the site accepts waste types that are expected to generate explosive gases, ~~The~~ the concentration of explosive gases generated by the site site, shall not exceed:
- (A)(i) twenty-five percent of the lower explosive limit for the explosive gases in on-site site structures, excluding structures (excluding gas control or recovery system components; ~~components);~~ and
- (B)(ii) the lower explosive limit for the explosive gases at the property boundary;
- (2)(b) ~~A site shall not allow uncontrolled public access so as to expose the public to potential health and safety hazards at the disposal site;~~ A site shall be secured to prevent unauthorized entry by means such as gates, chains, berms, and fences.
- (3)(e) A site shall meet the following surface water requirements:
- (A)(i) A a site shall not cause a discharge of pollutants into waters of the ~~state~~ 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; [02B.] standards promulgated under G.S. 143-214.1 and G.S. 143-215;
- (B)(ii) A a site shall not cause a discharge of dredged material or fill material into waters of the ~~state~~ 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; that is in violation of any state [State] requirements regulating the discharge of dredged or fill material into waters of the state, [State,] including wetlands; and
- (C)(iii) A a site shall not cause non-point source pollution of waters of the ~~state~~ State that violates assigned water quality standards. 15A NCAC 02B; and [02B.]
- (D) [A-] a site shall comply with Rule .0602 of this Subchapter.
- (4)(d) A site shall meet the following ground water-groundwater protection requirements:
- (A)(i) ~~A site, except for land clearing and inert debris landfills subject to Rule .0564(8)(e) of this Section, A site shall comply with G.S. 130A-295.6(f). be designed so that the bottom elevation of solid waste will be a minimum of four feet above the seasonal high water table;~~
- (B)(ii) ~~Operators of new industrial solid waste landfills, lateral expansions of existing industrial solid waste landfills, and industrial solid waste landfills receiving solid waste on or after January 1, 1998 shall submit to the Division a design which satisfies one of the following criteria: A site that has not previously been permitted by the Division for an ISWLF unit, or a lateral expansion of an existing permitted site, [site] shall be designed with a leachate~~

1 collection system, a closure cap system, and a composite liner system consisting of an
2 upper component and lower component. The upper component of the composite liner
3 system shall consist of a flexible membrane liner (FML) no less than 30 mil thick. FML
4 components consisting of high-density polyethylene (HDPE) shall be no less than 60 mil
5 thick. The lower component of the composite liner system shall consist of a layer of
6 compacted soil no less than two feet thick with a hydraulic conductivity of no more than 1×10^{-7} centimeters per second. ~~[10⁻⁷ cm/sec. FML components consisting of high density~~
7 ~~polyethylene (HDPE) shall be no less than 60 mil thick.]~~ The FML component shall be
8 installed in direct and uniform contact with the compacted soil component.
9

10 (C)(A) An owner or operator applying for a permit for a site that has not previously been permitted
11 by the Division ~~[for]~~ as an ISWLF unit, or a lateral expansion of an existing permitted site,
12 ~~[site]~~ may submit a request to the Division to be exempt from the requirements of Part (B)
13 of this Subparagraph. The request shall be submitted in writing with the proposed site
14 information required to be submitted in accordance with Rule .0504(c) of this Section. The
15 request shall include a description of the types of waste proposed to be disposed of at the
16 site, and a proposed site design that ~~will ensure~~ demonstrates that the post-settlement
17 bottom elevation of the waste will be a minimum of four feet above both the seasonal high
18 groundwater ~~[table]~~ table, as defined in Rule .0532 of this Section, and the bedrock datum
19 plane contours as required by G.S. 130A-295.6(f). The site design shall also demonstrate
20 that the ~~ground water~~ groundwater quality standards or interim maximum allowable
21 contaminant levels established under 15A NCAC 2L-02L will not be exceeded in the
22 uppermost aquifer at the compliance boundary established by the Division in accordance
23 with 15A NCAC 2L-02L. The site design shall be based upon modeling methods that
24 include the hydrogeologic characteristics of the site and surrounding lands; the climatic
25 factors of the area; and the volume and physical and chemical characteristics of the
26 leachate. The Division shall approve the request if the request and the proposed site design
27 comply with Article 9 of Chapter 130A of the General Statutes and the rules of this
28 Subchapter. ~~acceptable to the Division, which shall include, at a minimum, the following~~
29 factors:

- 30 (I) ~~the hydrogeologic characteristics of the facility and surrounding lands;~~
31 (II) ~~the climatic factors of the area; and~~
32 (III) ~~the volume and physical and chemical characteristics of the leachate; or~~

33 (B) a design with a leachate collection system, a closure cap system, and a composite
34 liner system consisting of two components: the upper component shall consist of
35 a minimum 30-mil flexible membrane (FML), and the lower components shall
36 consist of at least a two-foot layer of compacted soil with a hydraulic conductivity

of no more than 1×10^{-7} cm/sec. FML components consisting of high density polyethylene (HDPE) shall be at least 60 ml thick.

The FML component shall be installed in direct and uniform contact with the compacted soil component.

(iii) ~~The Division reserves the right to require an applicant to submit a liner design if the groundwater protection demonstration is Sub item (ii) in of this Paragraph is not satisfactory.~~

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

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

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

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

(B)(ii) ~~A site shall have a buffer of no less than 500 feet 500 foot minimum buffer between the disposal area and residential structures private dwellings 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 disposal areas; and~~

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

(7)(g) ~~A site shall comply with the requirements in 15A NCAC 04 for sedimentation and erosion control. [15A NCAC 04 is incorporated by reference including subsequent amendments and editions.] Requirements of the Sedimentation Pollution Control Law (15A NCAC 4) shall be met.~~

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

Eff. April 1, 1982;

Amended Eff. October 1, 1995; January 4, 1993; February 1, 1991; September 1, 1990-1990;

Readopted Eff. January 1, 2021.

1 15A NCAC 13B .0508 is readopted with changes as published in 35:04 NCR 451 as follows:

2
3 **15A NCAC 13B .0508 SITING AND APPLICATION REQUIREMENTS FOR INCINERATORS**

4 Five sets of plans shall be required for each application.

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

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

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

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

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

20 (5) Clean Water Act Requirements: [requirements: a] A site or [its] site operations shall:

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

25 (B) comply with Section 404 of the Clean Water Act; and [Act.]

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

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

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

36 (c) Site Plan. An application for a permit for a site [incinerator for the disposal of solid waste] shall contain a site plan
37 that includes the following information:

- (1) an aerial photograph, representative of existing conditions, at a scale of [a] 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 [state] nature and historic preserves described in Subparagraph (a)(3) of this Rule;
 - (H) the existing topography and features of the site, [site] including general surface water drainage patterns and watersheds, 100-year floodplains, perennial and intermittent streams, rivers, and lakes; and
 - (I) the classification of the surface water drainage from the site in accordance with 15A NCAC 02B .0300;
- (2) a letter from the unit of government having zoning jurisdiction over the site that states that the proposed use is allowed within [the] any existing zoning and [zoning, if any;] that any necessary zoning approval or permit has been obtained, and that states the local zoning buffers that apply to the site;
- (3) letters from both the State Historic Preservation Office and the Natural Heritage Program within the Department of [Cultural and] Natural 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 [incinerator for the disposal of solid waste] shall contain an operations plan that shall include the following information: [a discussion of each of the following items:]
- (1) the type and quantity of wastes that will be accepted, [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 ~~[planned compliance]~~ with the operational and closure requirements of Rule .0509 of this Section;
- (7) a contingency plan that shall address planned operations in the event of loss of power, loss of communications, storm surges, scale malfunctions, and scale software malfunctions; in the event that the disposal site, haul route, or transfer equipment is not available; or during conditions exceeding design parameters. The owner or operator of the site shall provide back-up equipment, and contact information to obtain the equipment, and plans to by-pass the site in case of equipment breakdown. The contingency plan shall be kept updated on-site and shall include site specific emergency procedures and contact information in case of emergencies;
- (8) additional information that the Division may request ~~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 ~~[when the permit is issued by the Division,]~~ and the site shall comply with the permit in accordance with Rule .0203(d) of this Subchapter.
- (g) Permits issued by the Division for incinerators ~~shall be [are]~~ valid for five years, and ~~shall be [are]~~ subject to the permit fees set forth in G.S. 130A-295.8.
- (h) Sites that received a permit from the Division prior to the readopted effective date of this Rule shall comply with the rules of this Section with the following exceptions:
- (1) buildings, structures, and waste handling areas constructed prior to the readopted effective date of this Rule shall not be required to comply with Paragraph (a) of this Rule for the ~~permitted operational boundary [footprint]~~ existing on the readopted effective date of this Rule, or any replacements or modifications within that existing ~~permitted operational boundary; [footprint,]~~ and
- (2) if a building, structure, or waste handling area was constructed prior to the readopted effective date of this Rule, and is expanded beyond ~~[its] the~~ existing ~~permitted operational boundary [footprint]~~ after the readopted effective date of this Rule, the ~~permitted operational boundary [footprint]~~ that was existing on the readopted effective date of this Rule shall not be required to comply with Paragraph (a) of this Rule, but the expansion areas shall comply with these requirements.
- (i) Site buildings, structures, and waste handling areas that are exempt from the requirements of Paragraph (a) of this Rule shall continue to comply with ~~[the] any~~ siting and buffer requirements stated in their permit issued prior to the readoption date of this ~~Rule. [Rule, if any.]~~
- (1) Site and operation plans of the proposed incinerator;
- (2) A copy of the air quality permit application to the Division of Environmental Management, Department of Environment, Health and Natural Resources;

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

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

5
6 *History Note: Authority G.S. 130A-294;*
7 *Eff. April 1, 1982;*
8 *Amended Eff. February 1, 1991; September 1, ~~1990~~1990;*
9 *Readopted Eff. January 1, 2021.*

1 15A NCAC 13B .0562 is readopted with changes as published in 35:04 NCR 451 as follows:

2
3 **15A NCAC 13B .0562 BENEFICIAL FILL**

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

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

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

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

- 16 (1) any soils mixed with the beneficial fill or used for cover shall meet unrestricted use standards for
17 soils as defined in G.S. 130A-310.65;
18 (2) excavation shall not be conducted for the purpose of creating a beneficial fill area or expanding the
19 footprint of the existing beneficial fill area;
20 (3) in the absence of local ordinances pertaining to beneficial fill, the activity shall be limited in duration
21 to one year from the initial placement of material and no larger than one acre in size;
22 (4) the beneficial fill shall be setback from an adjacent property line a distance that allows for slope
23 construction and maintenance in accordance with [this Rule,] Subparagraph (5) of this Paragraph
24 and any local ordinances;
25 (5) the beneficial fill shall be covered with a minimum of one foot of compacted soil and graded at a
26 slope [no greater than a] ratio that shall not exceed three horizontal to one vertical;
27 (6) the beneficial fill [is not exempt from, and] shall comply with [with,] all other applicable federal,
28 State, and local laws, ordinances, rules, and regulations, including local zoning restrictions, flood
29 plain regulations, wetland regulations, mining regulations, and sedimentation and erosion control
30 regulations;
31 (7) the beneficial fill shall comply with the groundwater quality standards established in 15A NCAC
32 02L; and
33 (8) beneficial fill shall not be placed in waters of the State, or at or below the seasonal high groundwater
34 [table,] table as defined in Rule .0532 of this Section.

35 (c) Soil generated from properties where there has been no known release of contaminants shall not be subject to
36 regulation as a solid waste. This Rule and the solid waste permitting requirements under this Subchapter shall not

1 apply to fill activities solely consisting of soil generated from properties where there has been no known release of
2 contaminants.

3 (d) This Rule and the solid waste permitting requirements under this Subchapter shall ~~[does]~~ not apply to fill activities
4 solely consisting of soil generated from properties where there has been a release of contaminants, if the soil meets
5 unrestricted use standards for soils as defined in G.S. 130A-310.65.

6 (e) Fill activities using solid waste as the fill material that do not meet the requirements of this Rule are subject to
7 permitting as a solid waste management facility in accordance with this Subchapter.

8
9 *History Note: Authority G.S. 130A-294;*

10 *Eff. January 4, ~~1993~~, 1993;*

11 *Readopted Eff. January 1, 2021.*

1 15A NCAC 13B .0563 is readopted with changes as published in 35:04 NCR 451 as follows:

2
3 **15A NCAC 13B .0563 ~~APPLICABILITY REQ. FOR LAND CLEARING/INERT DEBRIS (LCID)~~**
4 **LANDFILLS GENERAL REQUIREMENTS FOR LCIDLFS**

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

11 (1) The site shall accept only yard waste and inert debris waste for disposal. An individual permit from
12 the Division of Solid Waste Management is not required for Land Clearing and Inert Debris (LCID)
13 landfills that meet all of the following conditions:

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

18 (b) ~~_____ The total disposal area is under two acres in size.~~

19 (c) ~~_____ The facility and practices comply with the siting criteria under Rule .0564, and operational~~
20 ~~requirements under Rule .0566.~~

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

25 ~~(2) _____ Where an individual permit is not required, the following applies:~~

26 (a) ~~_____ The owner of the land where the landfill is located must notify the Division on a prescribed~~
27 ~~form, duly signed, notarized, and recorded as per Sub item (2)(b) of this Rule. The operator~~
28 ~~of the landfill, if different from the land owner, shall also sign the notification form.~~

29 (b) ~~_____ The owner must file the prescribed notification form for recordation in the Register of~~
30 ~~Deeds' Office. The Register of Deeds shall index the notification in the grantor index under~~
31 ~~the name of the owner of the land in the county or counties in which the land is located. A~~
32 ~~copy of the recorded notification, affixed with the Register's seal and the date, book and~~
33 ~~page number of recording shall be sent to the Division of Solid Waste Management.~~

34 (c) ~~_____ When the land on which the Land Clearing and Inert Debris Landfill is sold, leased,~~
35 ~~conveyed, or transferred in any manner, the deed or other instrument of transfer shall~~
36 ~~contain in the description section in no smaller type than that used in the body of the deed~~

- 1 or instrument a statement that the property has been used as a Land Clearing and Inert
2 Debris Landfill and a reference by book and page to the recordation of the notification.
- 3 ~~(3)~~ An individual permit is required, except for landfills subject to Item (5) of this Rule, for the
4 construction and operation of a Land Clearing and Inert Debris (LCID) landfill when:
- 5 (a) The facility is to be operated for the disposal of land clearing waste, inert debris, untreated
6 wood, and yard trash. Operations must be consistent and in compliance with the local
7 government solid waste management plan as approved by the Division of Solid Waste
8 Management, and
- 9 (b) The total disposal area is greater than two acres in size.
- 10 ~~(3)(4)~~ Individual permits. Permits issued by the Division for land clearing and inert debris landfills shall
11 be valid issued for not more than five years. [years;] years, and [are] shall be subject to the permit
12 fees set forth in G.S. 130A-295.8.
- 13 ~~(4)(5)~~ A permit shall not be required for a site that meets the following conditions: Landfilling of land
14 clearing and inert debris generated solely from, and within the right of way of, North Carolina
15 Department of Transportation projects shall be subject to the following:
- 16 (a) the site is within the right-of-way of a N.C. Department of Transportation project; [The site
17 is property shall be a project right of way owned by the State of North Carolina or the N.C.
18 Department of Transportation, and the site shall be operated the N.C. Department of
19 Transportation.] Only waste types as described in Sub item (1)(a) of this Rule may be
20 disposed of within the Department of Transportation right of way.
- 21 (b) [The site shall accept] the site accepts only [land clearing] yard waste and inert debris waste
22 that was generated from within the same N.C. Department of Transportation project right-
23 of-way that the site is located in; [in.] Waste is landfilled within the project right of way
24 from which it was generated.
- 25 (c) The-the site disposal area shall does not exceed two contiguous acres in size-size; and
- 26 (d) Disposal sites shall comply [The site shall comply] the site complies with the siting
27 requirements of Rule .0564 of this Section. Section except for Item (10).
- 28 (e) Disposal sites are not subject to the requirements of Item (2) of this Rule and Rule .0204
29 of this Subchapter.
- 30 (5) Owners or operators shall not construct or operate more than one site that is exempted from
31 permitting in accordance with G.S. 130A-294(a)(4)a. on any single parcel of land.
- 32 (6) Within five years of the readopted effective date of this Rule, the owner or operator of a notified
33 LCIDLF that was not closed prior to the readopted effective date of this Rule shall comply with the
34 requirements of this Rule, or shall close the notified LCIDLF in accordance with Rule .0567(b) of
35 this Section, except that [closure does not need to be in accordance with any plans, and] the required
36 notification of closure is not required to be certified. For the purpose of this Rule, “notified
37 LCIDLF” means a site that was not required to obtain a permit from the Division prior to the

1 readopted effective date of this Rule because the site was designed and constructed to be two acres
2 or less in size, and was required to record a notification for the site with the Register of Deeds' office
3 and submit the notification to the Division.

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

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

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

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

12
13 *History Note: Authority G.S. 130A-294; ~~130A-301~~; 130A-301.1;*

14 *Eff. January 4, ~~1993~~; 1993;*

15 *Readopted Eff. January 1, 2021.*

1 15A NCAC 13B .0564 is readopted with changes as published in 35:04 NCR 451 as follows:

2
3 **15A NCAC 13B .0564 SITING CRITERIA FOR LCIDLAND CLEARING AND INERT DEBRIS**
4 **(LCID) LANDFILLS**

5 The following siting criteria shall apply for Land Clearing and Inert Debris (LCID) landfills: A land clearing and inert
6 debris landfill (site) shall meet the following siting criteria:

- 7 (1) Floodplain **Restrictions: [Restrictions.]** Facilities or practices, **[The] A** site shall not be located in
8 the 100-year floodplain.
- 9 ~~(2) Facilities or practices shall not cause or contribute to the taking of any endangered or threatened~~
10 ~~species of plants, fish, or wildlife.~~
- 11 ~~(3) Facilities or practices shall not result in the destruction or adverse modification of the critical habitat~~
12 ~~of endangered or threatened species as identified in 50 CFR Part 17 which is hereby incorporated~~
13 ~~by reference including any subsequent amendments and editions. This material is available for~~
14 ~~inspection at the Department of Environment, Health, and Natural Resources, Division of Solid~~
15 ~~Waste Management, 401 Oberlin Road, Raleigh, North Carolina 27605 where copies can be~~
16 ~~obtained at no cost.~~
- 17 ~~(2)(4) Cultural Resources **Restrictions: [Restrictions.]** Facilities or practices **[The] A** site and site~~
18 ~~operations shall not damage or destroy an archaeological or historical site, a property of~~
19 ~~archaeological or historical significance that has been listed on the National Register of Historic~~
20 ~~Places or included on the Study List for the Register pursuant to 07 NCAC 04R .0206 and **.0300.**~~
21 ~~**[.0300, which are incorporated by reference including subsequent amendments and editions.]**~~
- 22 ~~(3)(5) State Nature and Historic Preserve **Restrictions: [Restrictions.]** Facilities or practices **[The] A** site~~
23 ~~and site operations shall not cause have an adverse impact on a state park, recreation or scenic area,~~
24 ~~or any other lands included in the state nature and historic preserve, any component included in the~~
25 ~~State Nature and Historic Preserve pursuant to G.S. 143-260.10.~~
- 26 (4) Endangered and Threatened Species **Restrictions: [Restrictions.]** **The] A** site and site operations shall
27 **not** jeopardize the continued existence of endangered or threatened species or result in the
28 destruction or adverse modification of a critical habitat, protected under the Federal Endangered
29 Species Act of 1973, Public Law 93-205, as amended.
- 30 (5) Clean Water Act **Requirements: [requirements.]** **The] A** site and site operations shall:
- 31 (a) not cause a discharge of pollutants into waters of the United States, including wetlands,
32 that violates any requirements of the Clean Water Act, including the National Pollutant
33 Discharge Elimination System (NPDES) requirements pursuant to Section 402 of the Clean
34 Water **Act; [Aet.]**
- 35 (b) comply with Section 404 of the Clean Water **Act; and [Aet.]**
- 36 (c) not cause the discharge of a nonpoint source of pollution to waters of the United States,
37 including wetlands, that violates any requirement of an area-wide or Statewide water

- quality management plan that has been approved under Section 208 or 319 of the Clean Water Act.
- ~~(6) Facilities shall not be located in any wetland as defined in the Clean Water Act, Section 404(b).~~
- ~~(7) It must be shown that adequate suitable soils are available for cover, either on site or from on or off site.~~
- ~~(8) Land Clearing and Inert Debris landfills shall meet the following surface and ground water requirements:~~
- ~~(a) Facilities or practices shall not cause a discharge of pollutants into waters of the state that is in violation of the requirements of the National Pollutant Discharge Elimination System (NPDES), under Section 402 of the Clean Water Act, as amended.~~
- ~~(b) Facilities or practices shall not cause a discharge of dredged materials or fill material into waters of the state that is in violation of the requirements under Section 404 of the Clean Water Act, as amended.~~
- ~~(c) Facilities or practices shall not cause non-point source pollution of waters of the state that violates assigned water quality standards.~~
- ~~(d) Waste in landfills with a disposal area greater than two acres shall be placed a minimum of four feet above the seasonal high water table, except where an alternative separation is approved by the Division.~~
- ~~(e) Waste in landfills with a disposal area less than two acres shall be placed above the seasonal high water table.~~
- ~~(6)(9) Buffer Requirements: [Requirements.] The facility [The] A site shall maintain meet the following minimum buffer requirements:~~
- ~~(a) 50 feet from the waste boundary to all surface waters of the state State as defined in G.S. 143-212.~~
- ~~(b) 100 feet from the waste boundary disposal area to property lines, residential dwellings, commercial or public buildings, and potable wells.~~
- ~~(e) 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. Buffer requirements may be adjusted as necessary to insure adequate protection of public health and the environment.~~
- ~~(7)(10) The site shall establish and maintain an access road around the waste boundary for access by emergency or fire-fighting vehicles and equipment. The facility shall meet all requirements of any applicable zoning ordinance.~~
- ~~(8) The site shall have soil available for cover either on site or from on or off site.~~
- ~~(9) The site and site operations shall comply with 15A NCAC 02L for protection of groundwater quality. The bottom elevation of the waste shall be no less than four feet above the seasonal high groundwater [table.] table as defined in Rule .0532 of this Section.~~

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

1 15A NCAC 13B .0566 is readopted with changes as published in 35:04 NCR 451 as follows:

2
3 **15A NCAC 13B .0566 OPERATIONAL REQUIREMENTS FOR LCIDLFS ~~REQ. FOR LAND~~**
4 **CLEARING/INERT DEBRIS (LCID) LANDFILLS**

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

8 ~~(1)~~ Operational plans shall be approved and followed as specified for the facility.

9 ~~(1)(2)~~ The facility site shall only accept those solid wastes ~~that~~ which it is permitted to receive.

10 ~~(2)(3)~~ Solid waste in the landfill shall be compacted, ~~restricted to the smallest area feasible and compacted~~
11 ~~as densely as practical into cells. Slopes shall not exceed a~~ ratio of three horizontal to one vertical
12 ~~[ratio]~~ ratio at any time.

13 ~~(3)(4)~~ All waste shall be covered with no less than six inches of soil monthly. ~~Adequate soil cover shall be~~
14 ~~applied monthly, or when the~~ working face active area reaches one acre in size, whichever occurs
15 first. ~~Any soils used for cover at~~ [a] the site shall meet unrestricted use standards for soils as defined
16 ~~in~~ G.S. 130A-310.65.

17 ~~(4)(5)~~ ~~120 calendar days after completion of any phase of disposal operations, or upon revocation of a~~
18 ~~permit, the disposal area~~ Areas that will not have additional wastes placed on them for three months
19 or more, but where final termination of disposal operations has not occurred, shall be covered with
20 a minimum of no less than one foot of suitable soil cover sloped to allow direct the flow of surface
21 water from the landfill, and stabilized with vegetative ground cover or other stabilizing material.
22 ~~runoff in a controlled manner. The Division may require further action in order to correct any~~
23 ~~condition~~ which that the Division determines ~~is or may become~~ be injurious to the public health, or
24 a nuisance to the community.

25 ~~(5)(6)~~ Adequate erosion control measures, structures, or devices shall be utilized to prevent silt from
26 leaving the site and to prevent ~~excessive on-site erosion.~~ on-site erosion, and shall comply with 15A
27 NCAC 04. [04, which is incorporated by reference including subsequent amendments and editions.]

28 ~~(7)~~ Provisions for a ground cover sufficient to restrain erosion must ~~shall be accomplished within 30~~
29 ~~working days or 120 calendar days upon completion of any phase of landfill development.~~

30 ~~(6)(8)~~ The facility site shall be adequately secured by ~~means of~~ barriers such as gates, chains, berms, and
31 ~~fences fences, etc.~~ to prevent unauthorized access. ~~access except when an operator is on duty.~~ An
32 ~~attendant operator~~ shall be on duty at all times while the site landfill is open for public use to assure
33 compliance with operational requirements and to prevent acceptance of unauthorized wastes.

34 ~~(7)(9)~~ Access roads shall be of all-weather construction and shall be maintained to allow access by vehicles
35 transporting waste, Department staff, and fire-fighting vehicles. ~~properly maintained.~~

36 ~~(8)(10)~~ Surface water shall be diverted from the working face and shall not be impounded over waste.

37 ~~(9)(11)~~ Solid waste shall not be disposed of in water.

1 (10)(12) Fire Protection and Control.

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

5 (b) Hot ashes, ~~hot loads, or cinders~~ cinders, and waste that is smoldering, smoking, or burning
6 shall not be disposed of in the landfill. The waste screening procedures described in the
7 operations plan in accordance with this Rule shall address identification and rejection of
8 this waste. ~~loads containing hot ashes and cinders.~~

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

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

20 (11)(13) The concentration of explosive gases generated by the ~~site facility~~ shall not ~~exceed;~~ ~~exceed~~

21 (a) ~~twenty-five~~ ~~[25]~~ Twenty five percent of the lower explosive limit for the gases in ~~facility~~
22 ~~structures;~~ site structures; or

23 (b) ~~The~~ ~~the~~ lower explosive limit for the gases at the property boundary.

24 The Division may require quarterly monitoring of explosive gases if it is necessary to determine
25 compliance with this Item. If the Division requires monitoring, the Division shall provide written
26 notice of the requirement to the owner or operator.

27 (12)(14) Leachate shall be contained and managed ~~on-site.~~ ~~onsite.~~ Leachate shall be properly managed on
28 site through the use of current best management practices.

29 (13)(15) ~~A.]~~ ~~The~~ site shall comply with 15A NCAC 02L for the protection of groundwater quality, and the
30 surface water quality standards established in 15A NCAC 02B. ~~Should the Division deem it~~
31 ~~necessary, ground water or surface water monitoring, or both, may be required as provided for under~~
32 Rules .0601 and .0602 of this Subchapter.

33 (14)(16) A sign shall be posted at the ~~facility site~~ entrance showing the ~~site~~ ~~contact~~ ~~contact's~~ name and ~~phone~~
34 ~~number, number in case of an emergency and the permit number.~~ ~~the permit number, emergency~~
35 ~~contact information, and the waste types accepted for disposal at the site. The permit number~~
36 ~~requirement is not applicable for facilities not requiring an individual permit.~~

1 (15) Inert debris waste accepted at the site shall be placed within the permitted landfill footprint unless
2 it is being processed for recycling or [beneficial] reuse. Inert debris waste shall not be placed as
3 beneficial fill as defined in Rule .0562 within the site buffer areas or elsewhere on the property
4 unless stated in the site permit.

5 (16) The owner or operator shall submit to the Division upon [written] request any information or records
6 required to be kept under the conditions of the permit or the rules of this Section.

7
8 *History Note: Authority G.S. 130A-294;*
9 *Eff. January 4, ~~1993~~.1993;*
10 *Readopted Eff. January 1, 2021.*
11

1 15A NCAC 13B .0567 is adopted with changes as published in 35:04 NCR 451 as follows:

2
3 **15A NCAC 13B .0567 CLOSURE AND POST-CLOSURE CARE REQUIREMENTS FOR LCIDLFS**

4 (a) The owner or operator of a land clearing and inert debris landfill (site) shall implement the closure of the site in
5 accordance with this Rule and the closure and post-closure plans incorporated into the permit in accordance with Rule
6 .0565(d) of this Section. The owner or operator shall notify the Division no less than 90 days prior to the expected
7 closure of the site.

8 (b) Closure Requirements.

9 (1) The owner or operator of a site shall begin closure activities no later than 30 days after the final
10 receipt of wastes. Closure activities shall include the following:

11 (A) covering the ~~The disposal area shall be covered~~ with no less than one foot of soil cover
12 sloped to direct the flow of surface water from the ~~landfill~~ landfill;

13 (B) stabilizing the soil cover ~~and stabilized~~ with vegetative ground cover or other stabilizing
14 ~~material.~~ material; and

15 (C) any closure activities included in the closure and post-closure plan incorporated into the
16 permit.

17 (2) The owner or operator of a site shall complete the closure activities in accordance with the closure
18 ~~and post-closure care plan incorporated into the permit in accordance with Rule .0565(d) of this~~
19 ~~Section~~ within 120 days after following the beginning the closure activities as specified in
20 Subparagraph (1) of this Paragraph. of closure.

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

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

27 (c) Post-Closure Care Requirements.

28 (1) Following closure of the site, the owner or operator shall conduct post-closure care in accordance
29 with the closure and post-closure care plan incorporated into the permit ~~in accordance with Rule~~
30 ~~.0565(d) of this Section,~~ and the following requirements:

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

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

- 1 (C) maintenance of vehicle and fire-fighting lanes to allow access to the entire waste boundary
2 of the site;
- 3 (D) groundwater, surface water, and explosive gas monitoring in accordance with the closure
4 and post closure care plan, if it is required by the Division to determine compliance with
5 Rule .0566(11) or (13) of this Section;
- 6 (E) maintenance of the operating record by the owner or operator. The operating record shall
7 be made available to the Division for inspection upon request during the post-closure care
8 period; and
- 9 (F) any additional actions that the Division may ~~require~~ request in writing if the Division
10 determines that the actions are necessary to correct any condition that ~~the Division~~
11 ~~determines~~ may be injurious to the public health or a nuisance to the community. In making
12 this determination, the Division shall consider the compliance history of the site, the
13 circumstances and use of properties adjacent to the site, the use of groundwater and surface
14 water downgradient of the site, and any groundwater, surface water, and explosive gas
15 monitoring results.
- 16 (2) Property lines shall not be altered to result in reduction of the buffer areas set forth in Rule .0564(6)
17 of this Section or stated in the site permit.
- 18 (3) The buffer areas set forth in Rule .0564(6) of this Section or stated in the site permit shall not be
19 developed or utilized for residential, commercial, industrial, or institutional purposes, including
20 above-ground or below-ground construction or improvements such as utilities, roads, parking lots,
21 and sidewalks.
- 22 (4) Post-closure care shall be conducted for 10 years.

23
24 *History Note:* *Authority G.S. 130A-294;*
25 *Eff. January 1, 2021.*
26

1 15A NCAC 13B .0601 is readopted with changes as published in 35:04 NCR 451 as follows:

2
3 **15A NCAC 13B .0601 ~~GROUND-WATER~~ GROUNDWATER MONITORING**

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

7 (b) ~~[A]~~ The site shall be subject to the groundwater requirements and standards in 15A NCAC 02L .0101 through
8 .0114 and 15A NCAC 02L .0201 through .0202. The site shall not cause an exceedance of the groundwater quality
9 standards and interim maximum allowable concentrations established under 15A NCAC 02L .0202 in the uppermost
10 aquifer at the review boundary or compliance boundary as established in 15A NCAC 02L .0107 and .0108.

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

- 15 (1) the design of the site, ~~[site]~~ ~~facility~~, the nature of the processes it will use, and the type of waste it
- 16 will handle;
- 17 (2) soil and other geological conditions in the area;
- 18 (3) nearness of ~~ground-water-groundwater~~ to the site; ~~facility~~;
- 19 (4) uses that are being or may be made of any ~~ground-water-groundwater~~ that may be affected by the
- 20 site; ~~facility~~; and
- 21 (5) any other factors that ~~reasonably~~ relate to the potential for ~~ground-water-groundwater~~ effects from
- 22 the site. ~~facility~~.

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

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

26 (d) All The construction of monitoring wells ~~required pursuant to this Rule~~ shall comply with monitoring well
27 construction standards of 15A NCAC 2C .0105-.02C .0108. ~~Copies of 15A NCAC 2C may be obtained from and~~
28 ~~inspected at the Division.~~

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

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

33 ~~[(f) The site shall not cause an exceedance of the groundwater quality standards and interim maximum allowable~~
34 ~~concentrations established under 15A NCAC 02L .0202 in the uppermost aquifer at the review boundary or~~
35 ~~compliance boundary as established in 15A NCAC 02L .0107 and .0108.]~~

36
37 *History Note: Authority G.S. 130A-294;*

1 *Eff. April 1, 1982;*
2 *Amended Eff. September 1, 1990; August 1, 1988; January 1, ~~1985~~, 1985;*
3 *Readopted Eff. January 1, 2021.*
4

1 15A NCAC 13B .0602 is readopted with changes as published in 35:04 NCR 451 as follows:

2
3 **15A NCAC 13B .0602 SURFACE WATER MONITORING**

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

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

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

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

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

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

26
27 *History Note: Authority G.S. 130A-294;*

28 *Eff. April 1, 1982; 1982;*

29 *Readopted Eff. January 1, 2021.*