

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: All Rules Submitted in 15A NCAC 13B

DEADLINE FOR RECEIPT: Wednesday, August 10, 2016

NOTE WELL: *This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.*

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

In reviewing these rules, the staff determined that the following technical changes need to be made:

On the Submission for Permanent Rule Form, Box 9B, please change the reference to from SL 2015-441 to SL 2015-241.

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: July 27, 2016

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 13B .0201

DEADLINE FOR RECEIPT: Wednesday, August 10, 2016

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

In reviewing these rules, the staff determined that the following technical changes need to be made:

In (c), line 12, I take it your regulated public knows what a "currently valid" permit is?

In (c), I note that you define "owner" on line 14. Is the term "operator" on line 13 defined elsewhere? Are you relying upon the definition in G.S. 130A-290(a)(21)?

In (d)(1), line 20, I take it you mean approved by the Division?

On line 22, please remove the underlining from "~~federal~~"

In (g), Page 2, this seems very broad. I take it your regulated public knows how to achieve this?

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: July 27, 2016

1 15A NCAC 13B .0201 is amended with changes as published in 30:20 NCR 2139 as follows:

2
3 **15A NCAC 13B .0201 PERMIT REQUIRED**

4 (a) No person shall treat, process, store, or dispose of solid waste or arrange for the treatment, processing,
5 ~~storage~~storage, or disposal of solid waste except at a solid waste management facility permitted by the Division for
6 such activity, except as provided in G.S. 130A-294(b).

7 (b) No person shall cause, suffer, allow, or permit the treatment, storage, or processing of solid waste upon any real
8 or personal property owned, operated, leased, or in any way controlled by that person without first ~~obtaining~~having
9 been issued a permit for a solid waste management facility from the Division authorizing such activity, except as
10 provided in G.S. 130A-294(b).

11 (c) No solid waste management facility shall be established, operated, maintained, constructed, ~~expanded~~expanded,
12 or modified without ~~an appropriate and a currently valid permit issued by the Division~~Division for the specified type
13 of disposal activity. It is the responsibility of every owner and operator of a proposed solid waste management facility
14 to apply for a permit for the facility. The term "owner" shall include record owners of the land where the facility is
15 located or proposed to be located and holders of any leasehold interest, however denominated, in any part of the land
16 or structures where the facility is located or proposed to be located.

17 (d) The solid waste management facility permit, except for land clearing and inert debris permits, shall have two
18 parts, as follows:

19 (1) A permit approval to construct a solid waste management facility or portion of a facility shall be
20 issued by the Division after site and construction plans have been approved and it has been
21 determined that the facility can be operated in accordance with Article 9 of Chapter 130A and the
22 applicable rules set forth in this Subchapter, and other applicable state, ~~federal~~federal, and local
23 laws. An applicant shall not clear or grade land or commence construction for a solid waste
24 management facility or a portion thereof until a ~~construction~~-permit approval to construct has been
25 issued.

26 (2) A permit approval to operate a solid waste management facility ~~may~~ shall not be issued unless it has
27 been determined that the facility has been constructed in accordance with the construction-~~permit~~,
28 plans, that any ~~pre-operative~~pre-operation conditions of the ~~construction~~-permit to construct have
29 been met, and that the ~~construction~~ permit has been recorded, if applicable, in accordance with Rule
30 .0204 of this Section.

31 (e) Land clearing and inert debris facilities may be issued a combined permit that includes approval to construct and
32 operate the facility.

33 (f) Land clearing and inert debris facilities subject to Rule ~~.0563 Item (1)~~.0563(1) of this Subchapter may construct
34 and operate after notification as provided for under Rule ~~.0563 Item (2)~~.0563(2) of this Subchapter.

35 (g) Permits, [except for life of site permits issued pursuant to Rule .0207 of this Section,] including those issued prior
36 to the effective date of this Rule, shall be reviewed every five years. Modifications, where necessary, shall be made

1 ~~in accordance with rules in effect at the time of [review];~~ review for those areas of a permitted sanitary landfill site
2 which have not previously received solid waste.

3 (h)(g) All solid waste management facilities shall be operated in conformity with these Rules and ~~in such a manner~~
4 ~~as to prevent the creation of~~ shall not create a nuisance, ~~or an~~ unsanitary condition, ~~conditions,~~ or a potential public
5 health hazard.

6
7 *History Note: Authority G.S. 130A-294; S.L. 2015-286, s.4.9;*

8 *Eff. April 1, 1982;*

9 *Amended Eff. January 4, 1993; February 1, 1991; March 1, 1988;*

10 *Filed as a Temporary Amendment Eff. May 19, 1993 to expire on October 9, 1993 or until the*
11 *permanent rule becomes effective, whichever is sooner;*

12 *Temporary Amendment Expired Eff. October 9, 1993;*

13 *Amended Eff. September 1, 2016; August 1, 2008.*

1 15A NCAC 13B .0206 originally proposed to be amended in 30:20 NCR 2139 is repealed as follows:

2
3 **15A NCAC 13B .0206 OPTION TO APPLY FOR ISSUANCE OF 10-YEAR PERMIT FOR SANITARY**
4 **LANDFILL OR TRANSFER STATION**

5
6 *History Note: Authority G.S. 130A-294; S.L. 2012-187, s.15.1; S.L. 2015-286, s.4.9;*

7 *Eff. July 1, ~~2013~~ 2013;*

8 *Repealed Eff. September 1, 2016.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 13B .0207

DEADLINE FOR RECEIPT: Wednesday, August 10, 2016

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

In reviewing these rules, the staff determined that the following technical changes need to be made:

So that I'm clear – references to "operation plans" in this Rule are as defined in Rules .0542 and .1625 of this Subchapter? And references to "facility plans" are as defined in Rule .0537 and .1619 of the Subchapter?

Why did you add the language in (c)(2) through (4)? Was this in response to public comments?

In (f), line 28, replace "which" with "that"

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: July 27, 2016

1 15A NCAC 13B .0207 is adopted with changes as published in 30:20 NCR 2139 as follows:

2
3 **15A NCAC 13B .0207 LIFE-OF-SITE PERMIT ISSUED FOR A SANITARY LANDFILL OR TRANSFER**
4 **STATION**

5 (a) A new or existing sanitary landfill or transfer station permit shall be subject to Section .0400, .0500, or .1600 of
6 this Subchapter and shall be for the life-of-site as defined in G.S. 130A-294(a2).

7 (b) A life-of-site permit application for a new sanitary landfill shall contain design, construction, site development,
8 and operation plans. Site development plans shall show the phases or progression of operation in periods of no less
9 than five years and no greater than the life of the site as contained in the facility plan. The life-of-site of a sanitary
10 landfill shall be specified in the facility plan prepared in accordance with Section .0500 or .1600 of this Subchapter.

11 (c) ~~A life-of-site permit application for a sanitary landfill that has an existing permit as of July 1, 2016 shall be~~
12 ~~considered complete when it includes the definition of the entire waste boundary and a specification of the life of site~~
13 ~~quantified in the facility plan. An existing permit shall be approved for the life of the site within 90 days of submission~~
14 ~~of the complete application.~~ approved for a life-of-site permit within 90 days of submittal of the following updated
15 permit information:

16 (1) a specification of the life-of-site quantified in the site development or facility plan;

17 (2) landfill capacity in years, projected for the life of the site;

18 (3) average monthly disposal rates and estimated variances; and

19 (4) a copy of the local government franchise agreement or approving resolution for the life of the site.

20 (d) Each phase within a life-of-site permit for sanitary landfills shall be designed and constructed in accordance with
21 Sections .0500 or .1600 of this Subchapter. ~~Site~~Phase development plans shall show the phases or progression of
22 construction and operation in periods of no less than five years and no greater than the life of the site as contained in
23 the site development or facility plan.

24 (e) A life-of-site permit application for a new transfer station shall conform to the requirements of Section .0400 of
25 this Subchapter and shall contain a site plan for the life of the site. ~~A specification of the~~The life-of-site of a transfer
26 station shall be quantified~~specified~~ in the site plan prepared in accordance with Section .0400 of this Subchapter.

27 (f) ~~A life-of-site permit application for a transfer facility that has an existing permit as of July 1, 2016 shall be approved~~
28 ~~for a life-of-site permit upon submittal of a written request which shall include a specification of the quantified life-~~
29 ~~of-site, considered complete when it includes a specification of the life of site quantified in the site plan prepared in~~
30 ~~accordance with Section .0400 of this Subchapter. An existing permit shall be approved for the life of the site within~~
31 ~~90 days of submission of the complete application.~~

32
33 *History Note:* Authority G.S. 130A-294; S.L. 2015-286, s.4.9;

34 *Eff. September 1, 2016.*