

OPS

File

UNITED STATES MARINE CORPS
Marine Corps Base
Camp Lejeune, North Carolina 28542-5001

6280/3
FAC
08 DEC 1986

From: Assistant Chief of Staff, Facilities, Marine Corps Base,
Camp Lejeune
To: Base Maintenance Officer, Marine Corps Base, Camp Lejeune
Public Works Officer, Marine Corps Base, Camp Lejeune
Subj: DISPOSAL OF ASBESTOS WASTE IN SANITARY LANDFILLS
Encl: (1) N.C. Solid & Hazardous Waste Mgmt Branch ltr dtd
17 Nov 86

1. Forwarded for compliance with State of North Carolina Rules at the enclosure. Mr. Alexander, extension 3034, will provide any additional information you may require.

K. J. KIRIACOPOULOS
By direction

Copy to:
LANTNAVFACENGCOM (Codes 114 & 406)
NREAD
EnvEngr (w/o encl)

Scotch® 7664 "Post-it" Routing-Request Pad

ROUTING - REQUEST

Please

- READ To TALKed TO
- HANDLE Jeff Coffey 18 Dec 86
- APPROVE Does Not answer
- and
- FORWARD Question regarding
- RETURN Slurry disp method
- KEEP OR DISCARD for Asbestos (Blizzard)
- REVIEW WITH ME Jeff will try again.

Date _____

From D. Sharpe 18 Dec

888

UNITED STATES MARINE CORPS
Marine Corps Base
Camp Lejeune, North Carolina 28542-5001

0288V3
FAC
0 & DEC 1988

From: Assistant Chief of Staff, Facilities, Marine Corps Base
Camp Lejeune
To: Base Maintenance Officer, Marine Corps Base, Camp Lejeune
Public Works Officer, Marine Corps Base, Camp Lejeune

SUBJ: DISPOSAL OF SEPTIC TANK WASTE IN SANITARY LANDFILLS

Encs (1) W.E. Smith & Associates Waste Management Branch Ltr dtd
17 Nov 88

Forwarded for compliance with Dept of North Carolina Rules
at the enclosure. Mr. Alexander, extension 3034, will provide
any additional information you may require.

K. J. KIRKWOOD
By direction

COPY FOR
EASTWATER/CONCOM (Code 114 & 405)
NRBA
Encls (2) encl



OPS

File

UNITED STATES MARINE CORPS
Marine Corps Base
Camp Lejeune, North Carolina 28542-5001

6280/3
FAC
08 DEC 1986

From: Assistant Chief of Staff, Facilities, Marine Corps Base,
Camp Lejeune
To: Base Maintenance Officer, Marine Corps Base, Camp Lejeune
Public Works Officer, Marine Corps Base, Camp Lejeune

Subj: DISPOSAL OF ASBESTOS WASTE IN SANITARY LANDFILLS

Encl: (1) N.C. Solid & Hazardous Waste Mgmt Branch ltr dtd
17 Nov 86

1. Forwarded for compliance with State of North Carolina Rules
at the enclosure. Mr. Alexander, extension 3034, will provide
any additional information you may require.

K. J. KIRIACOPOULOS
By direction

Copy to:
LANTNAVFACENCOM (Codes 114 & 406)
NREAD
EnvEngr (w/o encl)



882

UNITED STATES MARINE CORPS
Marine Corps Base
Camp Lejeune, North Carolina 28542-3801

0388V3
FAC
08 DEC 1988

From: Assistant Chief of Staff, Facilities, Marine Corps Base
Camp Lejeune
To: Base Maintenance Officer, Marine Corps Base, Camp Lejeune
Public Works Officer, Marine Corps Base, Camp Lejeune

SUBJECT: DISPOSAL OF ASBESTOS WASTE IN SANITARY LANDFILLS

Re: (1) W.C. Solid & Hazardous Waste Unit Branch 411-015
17 Nov 88

1. Forwarded for compliance with State of North Carolina Rules
at the enclosure. Mr. Alexander, extension 3014, will provide
any additional information you may require.

K. J. KIRKWOOD
By direction

Copy to:
EANTWAVACENCOG (Code: 114 & 405)
NREAD
EAVRPT (Info only)





North Carolina Department of Human Resources
Division of Health Services
P.O. Box 2091 • Raleigh, North Carolina 27602-2091

James G. Martin, Governor
Phillip J. Kirk, Jr., Secretary

Ronald H. Levine, M.D., M.P.H.
State Health Director

November 17, 1986

Resident Officer In Charge Of Construction
Naval Facilities Engineer
Building 1005
Came LeJeune, North Carolina 28542

RE: Disposal of asbestos waste in sanitary landfills

Dear Sir:

Please find enclosed the Solid Waste Management Rules as amended July, 1985, which gives clear guidance in the disposal of asbestos waste. [see .0505 (11)9d]

It is the responsibility of each landfill to ensure that these procedures are followed. Contractors should give prior notification so that landfills will be prepared to follow the special handling procedures.

If there are any questions, please contact this office at 733-2178.

Sincerely,

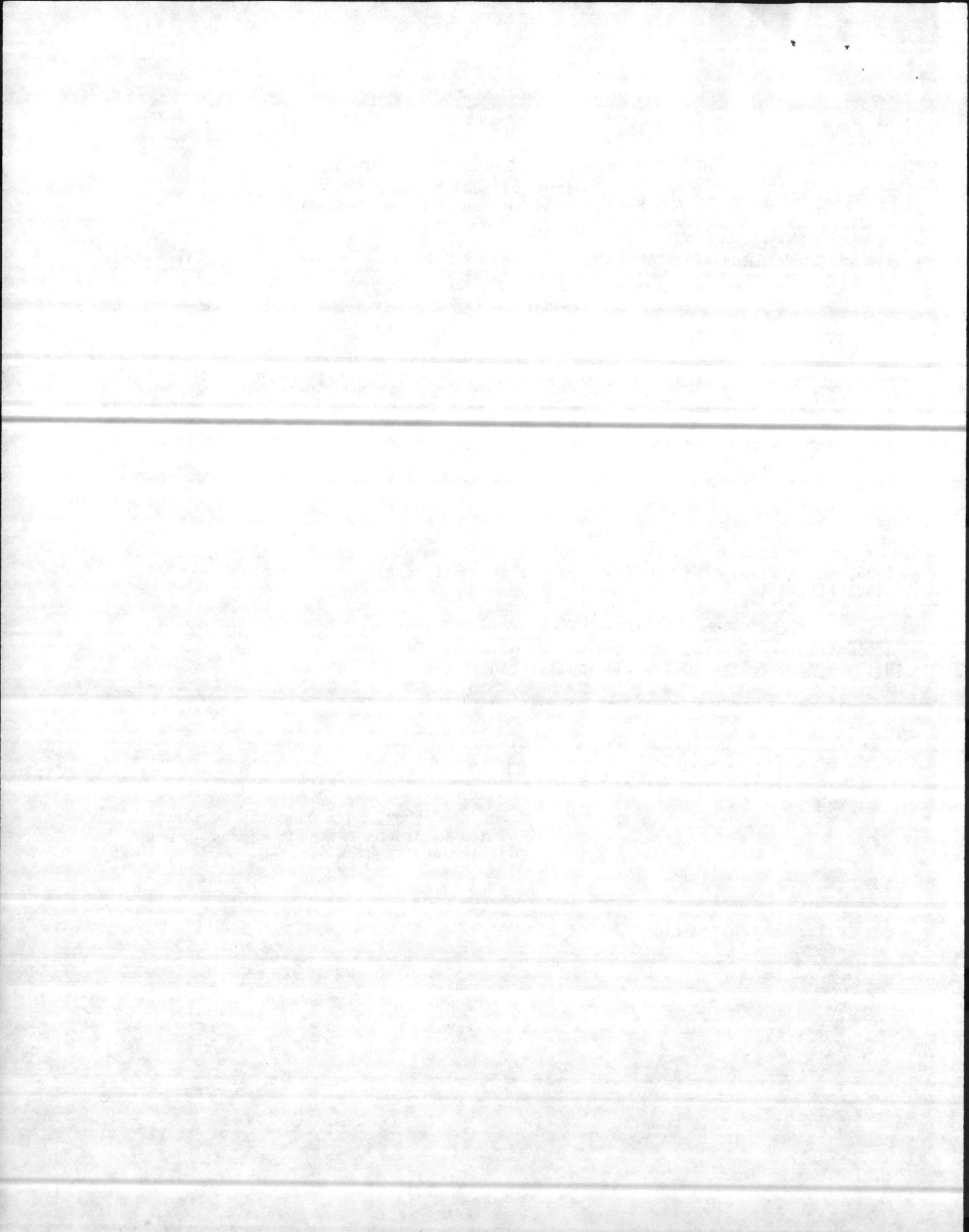
A handwritten signature in cursive script that reads "James C. Coffey".

James C. Coffey, Environmental Engineer
Solid & Hazardous Waste Management Branch
Environmental Health Section

JCC/mj

cc: Blizzard Construction

27 11 9891 NOV 81



North Carolina

Solid Waste Management Rules

Prepared by the Department of Human Resources
Division of Health Services
Environmental Health Section
Solid & Hazardous Waste Management Branch

As Amended Through July 1, 1985

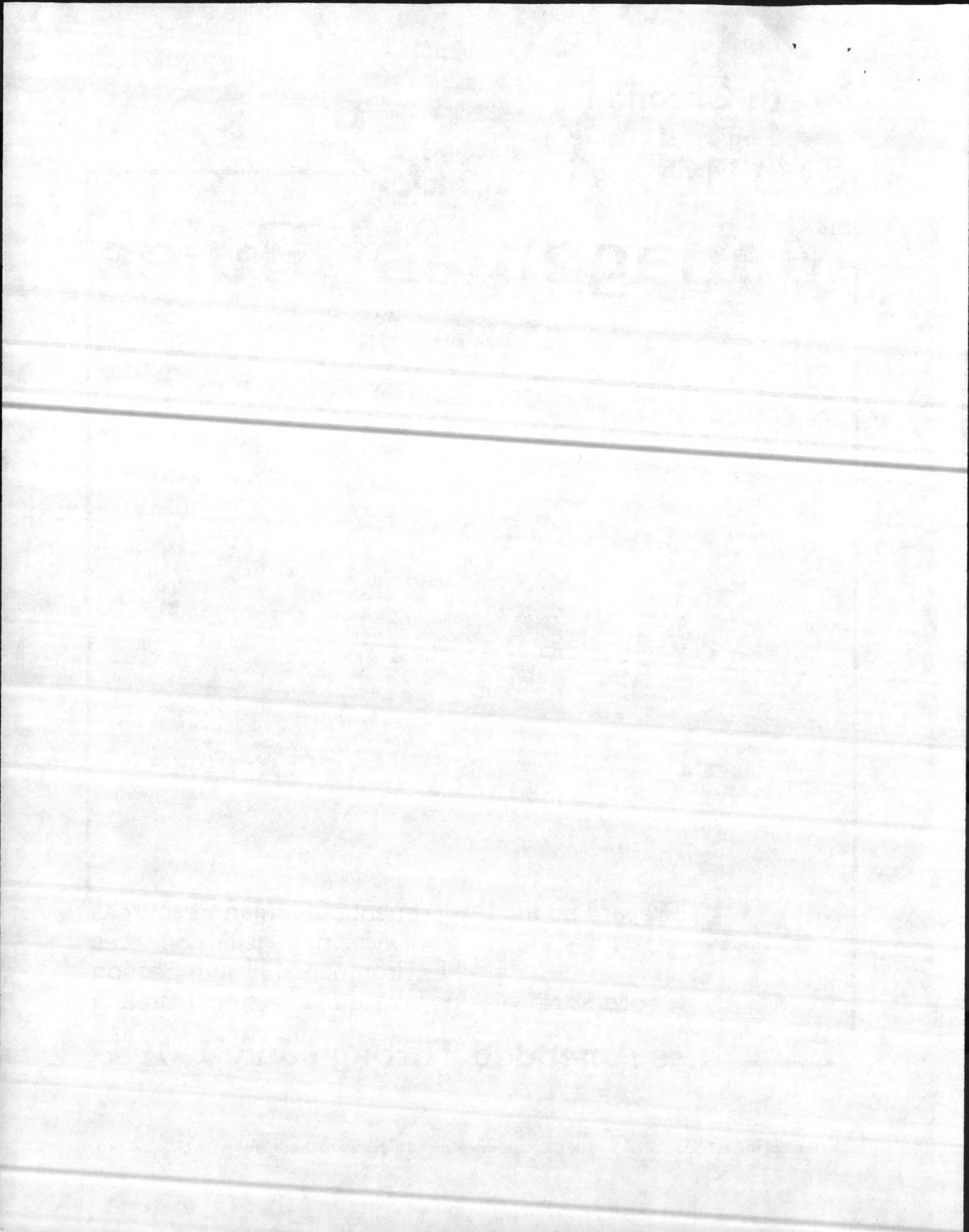
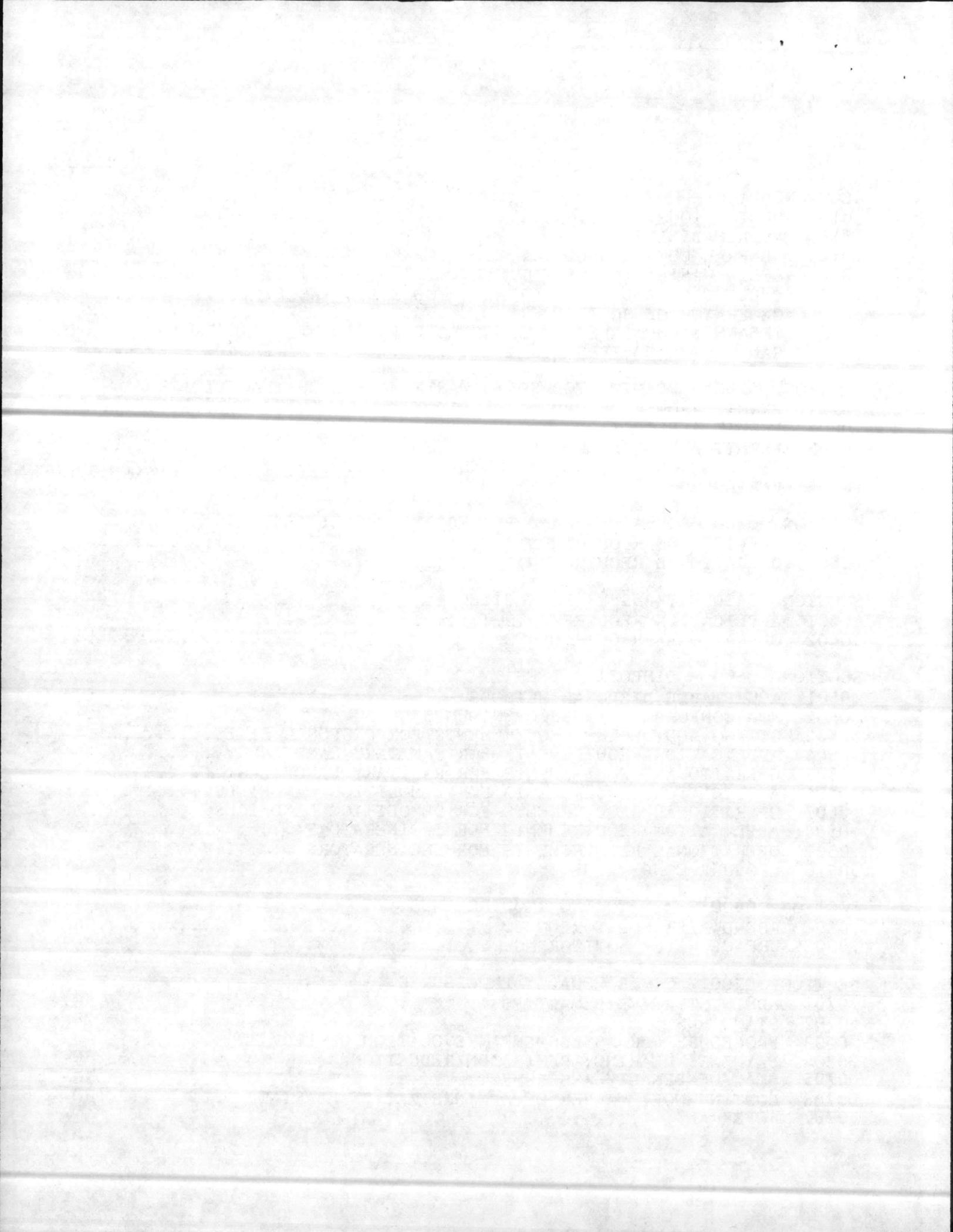


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10 NCAC 10G; SOLID WASTE MANAGEMENT; has been adopted as follows;

SECTION .0100 - GENERAL PROVISIONS

.0101 DEFINITIONS

The following definitions shall apply throughout this Subchapter:

- (1) "Airport" means public-use airport open to the public without prior permission and without restrictions within the physical capacities of available facilities.
- (2) "Blood products" means all bulk blood and blood products.
- (3) "Cell" means compacted solid waste completely enveloped by a compacted cover material.
- (4) "Disposal" means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste into or on any land so that such solid waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any water, including groundwaters.
- (5) "Demolition landfill" means a sanitary landfill that is limited to receiving stumps, limbs, leaves, concrete, brick, wood, uncontaminated earth or other solid wastes as approved by the division.
- (6) "Division" means the director of the division of health services or his authorized representative.
- (7) "Explosive gas" means Methane (CH₄).
- (8) "Federal act" means the Resource Conservation and Recovery Act of 1976, P.L. 94-580, as amended.
- (9) "Floodplain" 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.
- (10) "Garbage" means all putrescible wastes, including animal offal and carcasses, and recognizable industrial by-products, but excluding sewage and human waste.
- (11) "Hazardous waste" means a solid waste, or combination of solid wastes, which because of its quantity, concentration, or physical, chemical or infectious characteristics may:
 - (a) cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or
 - (b) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed.
- (12) "Hazardous waste facility" means a facility for the storage, collection, processing, treatment, recycling, recovery or disposal of hazardous waste.
- (13) "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.
- (14) "Incineration" means the process of burning solid, semisolid or gaseous combustible wastes to an inoffensive gas and a residue containing little or no combustible material.

- (15) "Infectious waste" means a solid waste capable of producing an infectious disease. The types of waste designated as infectious are: microbiological waste, pathological waste, blood products and sharps.
- (16) "Leachate" means any liquid, including any suspended components in liquid, that has percolated through or drained from solid waste.
- (17) "Lower explosive limit" means the lowest percent by volume of a mixture of explosive gases which will propagate a flame in air at 25°C and atmospheric pressure.
- (18) "Microbiological wastes" means and includes cultures and stocks of etiologic agents. The term includes cultures of specimens from medical, pathological, pharmaceutical, research, commercial, and industrial laboratories.
- (19) "One-hundred year flood" means a flood that has a 1 percent or greater chance of recurring in any year or a flood of a magnitude equalled or exceeded once in 100 years on the average over a significantly long period.
- (20) "Open burning" means 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.
- (21) "Open dump" means a solid waste disposal site that does not have a permit, and/or does not comply with the rules set forth in this Subchapter.
- (22) "Pathological wastes" means and includes human tissues, organs, body parts, secretions and excretions, blood and body fluids that are removed during surgery and autopsies; and the carcasses and body parts of all animals that were exposed to pathogens in research, were used in the production of biologicals or in the in vivo testing of pharmaceuticals, or that died of known or suspected infectious disease.
- (23) "Person" means an individual, corporation, company, association, partnership, unit of local government, state agency, federal agency, or other legal entity.
- (24) "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.
- (25) "Radioactive waste material" means any waste containing radioactive material as defined in G.S. 104E-5 (14).
- (26) "Recycling" means the process by which recovered resources are transformed into new products in such a manner that the original products lose their identity.
- (27) "Refuse" means all non-putrescible waste.
- (28) "Respondent" means the person against whom an administrative penalty has been assessed.
- (29) "Resources recovery" means the process of obtaining material or energy resources from discarded solid waste which no longer has any useful life in its present form and preparing such solid waste for recycling.
- (30) "Runoff" means the portion of precipitation that drains from an area as surface flow.

- (31) "Sanitary landfill" means a facility for disposal of solid waste on land in a sanitary manner in accordance with Article 9 of Chapter 130A and this Subchapter.
- (32) "Sediment" means solid particulate matter both mineral and organic, that has been or is being transported by water, air, gravity, or ice from its site of origin.
- (33) "Sharps" means and includes needles, syringes, and scalpel blades.
- (34) "Siltation" means sediment resulting from accelerated erosion which is settleable or removable by 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.
- (35) "Sludge" means any solid, semisolid or liquid waste generated from a municipal, commercial, institutional, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility or any other such waste having similar characteristics and effect.
- (36) "Solid waste" means any hazardous or nonhazardous garbage, refuse, or sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, domestic sewage and sludges generated by the treatment thereof in sanitary sewage collection, treatment and disposal systems, and other material that is either discarded or is being accumulated, stored or treated prior to being discarded, or has served its original intended use and is generally discarded, including solid, liquid, semisolid or contained gaseous material resulting from industrial, institutional, commercial and agricultural operations, and from community activities. The term does not include:
- (a) Fowl and animal fecal waste; or
 - (b) Solid or dissolved material in:
 - (i) domestic sewage and sludges generated by the treatment thereof in sanitary sewage collection, treatment and disposal systems which are designed to discharge effluents to the surface waters;
 - (ii) irrigation return flows; and
 - (iii) wastewater discharges and the sludges incidental thereto and generated by the treatment thereof which are point sources subject to permits granted under Section 402 of the Federal Water Pollution Control Act, as amended (P.L. 92-500), and permits granted under G.S. 143-215.1 by the Environmental Management Commission; except that any sludges that meet the criteria for hazardous waste under the Federal Resource Conservation and Recovery Act (P.L. 94-580) as amended, shall also be a solid waste for the purposes of this Article; or
 - (c) Oils and other liquid hydrocarbons controlled under Article 21A of Chapter 143 of the North Carolina General Statutes; except that any such oils or other liquid hydrocarbons that meet the criteria for hazardous waste

- under the Federal Resource Conservation and Recovery Act (P.L. 94-580) as amended, shall also be a solid waste for the purposes of this Article; or
- (d) Any radioactive material as defined by the North Carolina Radiation Protection Act, G.S. 104E-1 through 104E-23; or
 - (e) Mining refuse covered by the North Carolina Mining Act, G.S. 74-46 through 74-68 and regulated by the North Carolina Mining Commission (as defined under G.S. 143B-290); except that any specific mining waste that meets the criteria for hazardous waste under the Federal Resource Conservation and Recovery Act (P.L. 94-580) as amended, shall also be a solid waste for the purposes of this Article.
- (37) "Solid waste collector" means any person who collects or transports solid waste.
 - (38) "Solid waste disposal site", or "site" means any place at which solid wastes are disposed of by incineration, sanitary landfill, demolition landfill or any other acceptable method.
 - (39) "Solid waste generation" means the act or process of producing solid waste.
 - (40) "Solid waste generator" means any person who generates solid waste.
 - (41) "Solid waste management" means purposeful, systematic control of the generation, storage, collection, transport, separation, treatment, processing, recycling, recovery and disposal of solid waste.
 - (42) "Solid waste management facility" means land, personnel, and equipment used in the management of solid waste.
 - (43) "Spoiled food" means any food which has been removed from sale by the United States Department of Agriculture, North Carolina Department of Agriculture, Food and Drug Administration, or any other regulatory agency having jurisdiction in determining that food is unfit for consumption.
 - (44) "Steam sterilization" means treatment by steam at high temperatures for sufficient time to render infectious waste non-infectious.
 - (45) "Storage" means the containment of solid waste, either on a temporary basis or for a period of years, in such a manner as not to constitute disposal.
 - (46) "Transfer facility" means a permanent structure with mechanical equipment used for the collection and/or compaction of solid waste prior to the transportation of solid waste for final disposal.
 - (47) "Treatment and processing facility" means a facility used in the treatment and processing of putrescible solid waste for final disposal or for utilization by reclaiming or recycling.
 - (48) "Treatment" means any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any solid waste so as to neutralize such waste or so as to render such waste non-hazardous, safer for transport, amenable for recovery, amenable for storage, or reduced in volume. Such

term includes any activity or processing designed to change the physical form or chemical composition of solid waste so as to render it non-hazardous.

- (49) "Unit of local government" means a county, city, consolidated city-county, sanitary district, or other local political subdivision, authority or agency of local government.
- (50) "Vector" means a carrier, usually an arthropod, that is capable of transmitting a pathogen from one organism to another.
- (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.
- (52) "Water table" means the upper limit of the portion of the ground wholly saturated with water.
- (53) "Working face" means that portion of the land disposal site where solid wastes are discharged, spread, and compacted prior to the placement of cover material.

History Note: Statutory Authority G.S. 130A-294;
Eff. April 1, 1982;
Amended Eff. July 1, 1985; October 1, 1984.

.0102 APPLICABILITY

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

History Note: Statutory Authority G.S. 130A-294;
Eff. April 1, 1982;
Amended Eff. October 1, 1984.

.0103 GENERAL CONDITIONS

(a) All solid waste shall be stored, collected, transported, separated, processed, recycled, recovered, and disposed of in a manner consistent with the requirements of these Rules. The division of health services is responsible for the enforcement of these Rules and encourages cooperation from the individuals, municipalities, county governments, sanitary and regional districts, and private enterprise.

(b) No radioactive waste material shall be collected and transported, stored, treated, processed, disposed of or reclaimed, except as specifically authorized by a radioactive material license issued by the division of facility services, Department of Human Resources.

(c) These Rules shall not apply to the management of solid waste that is generated by an individual or individual family or household unit on the individual's property and is disposed of on the individual's property.

(d) Solid waste shall be disposed of at a solid waste disposal site in accordance with the Solid Waste Management Act and the Federal Act. Hazardous waste, liquid waste, infectious waste and any other wastes that may pose a threat to the environment or the public health, as determined by the division, are prohibited from disposal at a solid waste disposal site, except:

- (1) Hazardous waste which is authorized pursuant to Rule .0505(11) of this Subchapter, otherwise all other hazardous waste shall be disposed of at a hazardous waste facility which is permitted to receive the specific hazardous waste; and
- (2) Liquid waste which is authorized pursuant to Rule .0505(11) of this Subchapter.
- (3) Infectious waste that has been treated and rendered non-infectious in accordance with Rule .0107 of this Subchapter.
- (4) Other waste which is authorized pursuant to .0505.

When the division determines a waste may pose a threat to the environment or public health, it will notify the solid waste disposal site operator and the person disposing of the waste to terminate the activity.

History Note: Statutory Authority G.S. 130A-294;
Eff. April 1, 1982;
Amended Eff. July 1, 1985.

.0104 SOLID WASTE STORAGE

(a) The owner or occupant of any property, except that exempted as specified in Rule .0103(c) of this Subchapter shall be responsible for the sanitary storage of all solid waste accumulated on the property.

(b) Garbage shall be stored in either durable rust resistant, non-absorbent, water-tight, rodent proof, and easily cleanable containers with a close fitting fly-tight cover, when applicable, or other types of containers acceptable to the local governing agency and conforming to the intent of this Section.

(c) Refuse shall be stored in durable containers or as otherwise provided in this Section. Where garbage is stored in combination with refuse, containers shall meet the requirements for garbage containers.

(d) Hazardous waste shall be stored as prescribed in the applicable state or federal rules.

(e) All containers for the storage of solid waste shall be maintained in such a manner as to prevent the creation of a nuisance or insanitary conditions. Containers that are broken or otherwise fail to meet this Rule shall be replaced with acceptable containers. Refuse too large or otherwise not suitable for storage in containers shall be stored in a nuisance free manner consistent with requirements with the unit of local government.

History Note: Statutory Authority G.S. 130A-294;
Eff. April 1, 1982.

.0105 COLLECTION AND TRANSPORTATION OF SOLID WASTE

(a) The solid waste collector shall be responsible for the satisfactory collection and transportation of all solid waste to a permitted disposal site or facility.

(b) The solid waste collector shall transport to a site or facility only those solid wastes which the site or facility is permitted to receive.

(c) Vehicles or containers used for the collection and transportation of garbage, or refuse containing garbage, shall be covered, leakproof, durable, and of easily cleanable construction. These shall be cleaned as often as necessary to prevent a nuisance or insect breeding and shall be maintained in good repair.

(d) Vehicles or containers used for the collection and transportation of any solid waste shall be loaded and moved in such a manner that the contents will not fall, leak, or spill and shall be covered when necessary to prevent blowing of material. If spillage should occur, the material shall be picked up immediately by the solid waste collector and returned to the vehicle or container and the area shall be properly cleaned.

History Note: Statutory Authority G.S. 130A-294;
Eff. April 1, 1982.

.0106 GENERATOR OF SOLID WASTE

(a) A solid waste generator shall be responsible for the satisfactory storage, collection and disposal of solid waste.

(b) The solid waste generator shall ensure that his waste is disposed of at a site or facility which is permitted to receive the waste.

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

.0107 TREATMENT OF INFECTIOUS WASTES PRIOR TO DISPOSAL IN SANITARY LANDFILLS

(a) The following are approved methods of treatment of infectious wastes prior to disposal in a sanitary landfill:

- (1) Microbiological wastes - steam sterilization or incineration;
- (2) Pathological wastes - pathological incineration or steam sterilization followed by incineration;
- (3) Blood products - incineration;
- (4) Sharps - mutilation or incineration.

(b) Other methods of treatment of infectious waste prior to disposal at sanitary landfills may be approved by the division upon determination that the method effectively renders infectious waste non-infectious.

(c) Disposal of infectious wastes by means other than sanitary landfill, such as sanitary sewer, may be used provided approval from the proper regulatory agency is secured.

History Note: Statutory Authority G.S. 130A-294;
Eff. July 1, 1985.

SECTION .0200 - PERMITS FOR SOLID WASTE MANAGEMENT FACILITIES

.0201 PERMIT REQUIRED

(a) No person shall establish or allow to be established on his land, a solid waste management facility, or otherwise treat, store, or dispose of solid waste unless a permit for the facility has been obtained from the division.

(b) A permit to operate a solid waste management facility shall be issued by the division after site and construction plans have been approved and it has been determined that the facility can be operated in accordance with the applicable rules set forth in this Subchapter and so as to provide reasonable protection to the environment and the public health.

(c) All solid waste management facilities shall be operated in conformity with these Rules and in such a manner as to prevent the creation of a nuisance, insanitary conditions, or potential public health hazard.

History Note: Statutory Authority G.S. 130A-294;
Eff. April 1, 1982

.0202 PERMIT APPLICATION

(a) Application for permits required by Rule .0201 of this Subchapter should be forwarded to the Solid and Hazardous Waste Branch, Division of Health Services, P.O. Box 2091, Raleigh, N.C. 27602. Permit applications shall contain the following information:

- (1) Site and construction plans;
- (2) An approval letter from the unit of local government having zoning authority over the area where the facility is to be located;
- (3) Detailed plans and specifications for solid waste management facilities (except demolition landfills) shall be prepared by a professional engineer. The plans shall bear an imprint of the registration seal of the engineer; and
- (4) Any other information pertinent to the proposed facility.

(b) Specific information for a permit application is found in Sections .0300, .0400 and .0500 of this Subchapter.

History Note: Statutory Authority G.S. 130A-294;
Eff. April 1, 1982

.0203 PERMIT APPROVAL OR DENIAL

(a) Upon receipt of a permit application, the division shall review the request to assure that all provisions of these Rules, the Solid Waste Management Act, and the Federal Act, will be met. Based on its review, the division shall either approve or deny the request in writing.

(b) When an application is approved, the applicant shall be mailed a permit. If the approval is contingent upon certain conditions being met by the applicant, such conditions shall be noted on the permit.

(c) Before receiving solid waste on a new site, an inspection shall be made by a representative of the division to assure that the site is prepared in accordance with the permit.

(d) By receiving solid waste on a new site, the applicant shall be considered to have accepted the conditions.

(e) When the division denies a permit for a solid waste management facility, it shall state in writing the reason for such denial and shall also state its estimate of the changes in the applicant's proposed activities or plans which will be required in order that the applicant may obtain a permit. A denial shall be without prejudice to the person's right to a hearing or for filing a future request after revisions are made to meet objections specified as reasons for denial. Reasons for denial are:

- (1) Submission of incomplete information;
- (2) Failure to meet the requirements set forth in Sections .0300, .0400 and .0500 of this Subchapter applicable to the type of facility applied for; or
- (3) Any other reasons which would prevent the solid waste facility or site from being operated in accordance with Article 13B, Chapter 130 of the General Statutes, these Rules, the Federal Act, or acceptable engineering or public health and environmental standards.

History Note: Statutory Authority G.S. 130A-294;
Eff. April 1, 1982

.0204 RECORDATION OF LAND DISPOSAL PERMITS

(a) Whenever the division approves a permit for a sanitary landfill or a facility for the disposal of hazardous waste on land, the owner of the facility shall be granted both an original permit and a copy certified by the secretary or his authorized representative. The permit shall include a legal description of the site that would be sufficient as a description in an instrument of conveyance.

(b) The owner of a facility granted a permit for a sanitary landfill or a facility for the disposal of hazardous waste on land shall file the certified copy of the permit in the register of deeds' office in the county or counties in which the land is located.

(c) The register of deeds shall record the certified copy and index it in the grantor index under the name of the owner of the land.

(d) The permit shall not be effective unless the certified copy is filed as required under Paragraph (b) of this Rule.

(e) When any sanitary landfill or a facility for the disposal of hazardous waste on land is sold, leased, conveyed or transferred in any manner, the deed or other instrument of transfer shall contain in the description section in no smaller type than that used in the body of the deed or instrument a statement that the property has been used as a sanitary landfill or a disposal site for hazardous waste and a reference by book and page to the recordation of the permit.

History Note: Statutory Authority G.S. 130A-294;
Eff. April 1, 1982.

.0205 VARIANCES

(a) In order to avoid undue hardships and promote the effective and reasonable application and enforcement of these Rules, the division may grant variances from requirements of these Rules in accordance with such procedures and conditions as it may prescribe. A variance shall be granted upon finding that strict application of the regulation(s) in question would cause the applicant undue hardship which results from conditions peculiar to the site under consideration which conditions could not reasonably have been anticipated in the writing of the regulation(s).

(b) Variable factors such as population density, daily or seasonal loadings, nature of wastes, location of facility or facilities, water table conditions, topography, soil and geology, climate, land use, stream reservoir classification may be taken into account in determining the degree of variance, if any, which may be allowed.

(c) Variances will be made part of the conditions of the permit and the owner/operator will be required to adhere strictly to all other rules in this Subchapter.

History Note: Statutory Authority G.S. 130A-294;
Eff. April 1, 1982.

SECTION .0300 - TREATMENT AND PROCESSING FACILITIES

.0301 APPLICATION REQUIREMENTS

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

- (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; and
- (3) Any other information pertinent to the proposed facility.

History: Statutory Authority G.S. 130A-294;
Eff. April 1, 1982.

.0302 OPERATIONAL REQUIREMENTS

Any person who maintains or operates a treatment and processing facility shall maintain and operate the facility in accordance with the following practices unless otherwise specified in the permit:

- (1) Operational plans shall be approved and followed as specified for the facility;
- (2) A facility shall only accept wastes which it is permitted to receive;
- (3) Water that comes in contact with solid waste will be contained on-site or properly treated prior to discharge from the site. A NPDES permit may be required prior to discharge to surface waters;
- (4) Equipment for fire control shall be available;
- (5) Effective vector control measures shall be applied to control flies, rodents, and other insects or vermin;
- (6) Equipment shall be provided in the storage and charging areas and elsewhere as needed or as may be required in order to maintain the facility in a sanitary condition; and
- (7) Appropriate methods shall be provided to confine material subject to be blown by the wind within the area. At the conclusion of each day of operation, all windblown material resulting from the operation shall be collected and returned to the area by the owner or operator.

History Note: Statutory Authority G.S. 130A-294;
Eff. April 1, 1982.

SECTION .0400 - TRANSFER FACILITIES

.0401 APPLICATION REQUIREMENTS

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

- (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; and
- (3) Any other information pertinent to the proposed facility.

History Note: Statutory Authority G.S. 130A-294;
Eff. April 1, 1982.

.0402 OPERATIONAL REQUIREMENTS

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

- (1) Operational plans shall be approved and followed as specified for the facility;
- (2) A facility shall only accept those wastes which it is permitted to receive;
- (3) Water that comes into contact with solid waste will be contained on-site or properly treated prior to discharge from the site. An NPDES permit may be required prior to discharge to surface waters;
- (4) Equipment for fire control shall be available;
- (5) Effective vector control measures shall be applied to control flies, rodents, and other insects or vermin;
- (6) Equipment shall be provided in the storage and charging areas and elsewhere as needed or as may be required in order to maintain the facility in a sanitary condition; and
- (7) Appropriate method shall be provided to confine material subject to be blown by the wind within the area. At the conclusion of each day of operation, all windblown material resulting from the operation shall be collected and returned to the area by the owner or operator.

History Note: Statutory Authority G.S. 130A-294;
Eff. April 1, 1982.

SECTION .0500 - DISPOSAL SITES

.0501 ACCEPTABLE DISPOSAL METHODS

The disposal of solid waste shall be by the following approved methods or any combination thereof:

- (1) Sanitary landfill;
- (2) Demolition landfill;
- (3) Incinerator; and;
- (4) Disposal by other sanitary methods which may be developed and demonstrated to be capable of fulfilling the basic requirements of these Rules and which have been approved by the division.

History Note: Statutory Authority G.S. 130A-294;
Eff. April 1, 1982.

.0502 NON-CONFORMING SITES/OPEN DUMPS

A person operating or having operated an open dump for disposal of solid waste or a person who owns land on which such an open dump is or has been operating shall immediately convert to a sanitary landfill or close the site in accordance with the following requirements:

- (1) Implement effective rat control, including baiting for at least two weeks after closing, to prevent rat migration to adjacent properties;
- (2) If the site is deemed suitable by the division, compact and cover existing solid waste in place with two feet or more of suitable compacted earth;
- (3) If the site is deemed unsuitable by the division, remove and place solid waste in an approved disposal site or facility;
- (4) Implement erosion control measures by grading and seeding; and
- (5) Post signs indicating closure.

History Note: Statutory Authority G.S. 130A-294;
Eff. April 1, 1982.

.0503 SITING AND DESIGN REQUIREMENTS FOR DISPOSAL SITES

Disposal sites shall comply with the following requirements in order for a permit to be issued:

- (1) A site shall meet the following siting requirements:
 - (a) A site located in a floodplain shall not restrict the flow of the 100-year flood, reduce the temporary water storage capacity of the floodplain or result in washout of solid waste so as to pose a hazard to human life, wildlife or land or water resources;
 - (b) A site shall be located in consideration of the following:
 - (i) a site shall not cause or contribute to the taking of any endangered or threatened species of plants, fish or wildlife;

- (ii) a site shall not result in the destruction or adverse modification of the critical habitat of endangered or threatened species as identified in 50 CFR Part 17;
- (iii) a site shall not damage or destroy an archaeological or historical site; and
- (iv) a site shall not cause an adverse impact on a state park, recreation or scenic area, or any other lands included in the state nature and historic preserve;
- (c) 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
- (d) A site shall have available adequate suitable soils for cover either on-site or from off-site.
- (2) A site shall meet the following design requirements:
 - (a) The concentration of explosive gases generated by the site shall not exceed;
 - (i) twenty-five percent of the limit for the gases in site structures (excluding gas control or recovery system components); and
 - (ii) the lower explosive limit for the gases at the property boundary;
 - (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;
 - (c) A site shall meet the following surface water requirements:
 - (i) A site shall not cause a discharge of pollutants into waters of the state that is in violation of the requirements of the National Pollutant Discharge Elimination System (NPDES), under Section 402 of the Clean Water Act, as amended;
 - (ii) A site shall not cause a discharge of dredged material or fill material into waters of the state that is in violation of the requirements under Section 404 of the Clean Water Act, as amended; and
 - (iii) A site shall not cause non-point source pollution of waters of the state that violates assigned water quality standards;
 - (d) A site shall meet the following groundwater requirements:
 - (i) A site shall not contravene groundwater standards as established under 15 NCAC 2L, as amended through January 1, 1985. Copies of 15 NCAC 2L may be obtained from and inspected at the Solid & Hazardous Waste Management Branch, Division of Health Services, P.O. Box 2091, Raleigh, N.C., 27602.
 - (ii) A site shall be designed so that the bottom elevation of solid waste will be a minimum of four feet above the seasonal high water table;
 - (e) A site shall not engage in open burning of solid waste;
 - (f) A site shall meet the following buffer requirements (except demolition landfills);
 - (i) A 50-foot minimum buffer will be required between all property lines and disposal areas;

- (ii) A 500-foot minimum buffer will be required between private dwellings and wells and disposal areas; and
- (iii) A 50-foot minimum buffer will be required between streams and rivers and disposal areas; and
- (g) Requirements of the Sedimentation Pollution Control Law (15 NCAC 4) shall be met.

History Note: Statutory Authority G.S. 130A-294;
 Eff. April 1, 1982;
 Amended Eff. January 1, 1985.

.0504 APPLICATION REQUIREMENTS FOR SANITARY LANDFILLS

This Rule contains the information required for a permit application for each sanitary landfill. It is recommended that the site application be submitted and acted upon prior to submitting the application for the construction plan. A minimum of four sets of plans will be required in each application.

- (1) The following information is required for reviewing a site plan application for a proposed sanitary landfill:
 - (a) An aerial photograph (scale 1" = 400 ft. or larger) and a blueprint of the photograph accurately showing the area within one-fourth mile of the proposed site's boundaries with the following specifically identified:
 - (i) Entire property owned or leased by the person proposing the disposal site;
 - (ii) Land use and zoning;
 - (iii) Location of all homes, industrial buildings, public or private utilities, and roads;
 - (iv) Location of wells, watercourses, dry runs, and other applicable details regarding the general topography; and
 - (v) Flood plains.
 - (b) A map (scale 1" = 1000 ft. or larger) showing the area within two miles of the proposed site's boundaries with the following specifically identified:
 - (i) Significant groundwater users;
 - (ii) Potential or existing sources of groundwater and surface water pollution;
 - (iii) Water intakes;
 - (iv) Airport and runways; and
 - (v) Subdivisions.
 - (c) A geological and hydrological study of the site which provides:
 - (i) Soil borings whose numbers and depths have been confirmed by the division and lab testing of selected soil samples that provide:
 - (A) standard penetration - resistance;
 - (B) particle size analysis;
 - (C) soil classification - USCS;
 - (D) geologic considerations (slopes, solution features, etc.);

- (E) undisurbed representative geologic sample(s) of the unconfined and/or confined or semiconfined hydrological unit(s) within a depth of 50' that provide the following information for each major lithologic unit(s):
 - (I) saturated hydraulic conductivity (or by in-situ);
 - (II) volume percent water; and
 - (III) porosity;
- (F) remolded sample of cover soils that provide:
 - (I) saturated hydraulic conductivity,
 - (II) total porosity,
 - (III) atterberg limits;
- (G) stratigraphic cross-sections identifying hydrogeological units including lithology;
- (H) tabulation of water table elevations at time of boring, 24 hours, and seven days (The number of cased borings to provide this information shall be confirmed by the division.); and
 - (I) boring logs;
- (ii) A boundary plat locating soil borings with accurate horizontal and vertical control which are tied to a permanent onsite bench mark;
- (iii) A potentiometric map of the surficial aquifer based on stabilized water table elevations; and
- (iv) A report summarizing the geological and hydrological evaluation.
- (d) A conceptual design plan presenting special engineering features or considerations which must be included or maintained in site construction, operation, maintenance and closure.
- (e) An approval letter from the unit of local government having zoning authority over the area where the site is to be located.
- (f) A discussion of compliance with siting standards in Rule .0503(1) of this Subchapter.
- (g) A report indicating the following:
 - (i) population and area to be served;
 - (ii) type, quantity and source of waste;
 - (iii) the equipment that will be used for operating the site;
 - (iv) a proposed groundwater monitoring plan including well location and schematics showing proposed screened interval, depth and construction; and
 - (v) a more detailed geologic report may be required depending on specifics of the site. This report may be based on physical evidence, initially, or due to information obtained from the site plan application.
- (h) Any other information pertinent to the suitability of the proposed site.

- (2) The following information is required for reviewing a construction plan application for a proposed sanitary landfill:
- (a) A map showing existing features to include:
 - (i) existing topography of the site (scale not less than 200 feet per inch with 5-foot contours);
 - (ii) bench marks;
 - (iii) springs;
 - (iv) streams;
 - (v) potential groundwater monitoring sites;
 - (vi) pertinent geological features; and
 - (vii) soil boring locations.
 - (b) A grading plan that provides:
 - (i) proposed excavated contours;
 - (ii) soil boring locations;
 - (iii) locations and elevations of dikes and/or trenches;
 - (iv) designated buffer zones;
 - (v) diversion and controlled removal of surface water from the work areas; and
 - (vi) proposed utilities and structures.
 - (c) A construction plan that provides:
 - (i) proposed final contours showing removal of surface water runoff; and
 - (ii) locations of slope drains or other drop structures.
 - (d) An erosion control plan that identifies the following:
 - (i) locations of temporary erosion control measures (sediment basins, stone filters, terraces, silt fences, etc.);
 - (ii) locations of permanent erosion control measures (rip-rap, energy dissipators, ditch stabilization, pipe drain, etc.); and
 - (iii) seeding specifications and schedules.
 - (e) Detailed diagrams showing typical sections of:
 - (i) dikes,
 - (ii) trenches,
 - (iii) diversions,
 - (iv) sediment basins, and
 - (v) other pertinent details.
 - (f) Cross sections (minimum of two per operational area) showing:
 - (i) original elevations,
 - (ii) proposed excavated depths,
 - (iii) proposed final elevations,
 - (iv) groundwater elevation, and
 - (v) soil borings.
 - (g) Site development showing phases or progression of operation.
 - (h) A written report that contains the following:
 - (i) A copy of the deed or other legal description of the landfill site that would be sufficient as a description in an instrument of conveyance and property owner's name;
 - (ii) Name of individual responsible for operation and maintenance of the site;

- (iii) Projected use of land after completion of the sanitary landfill;
- (iv) Anticipated lifetime of the project;
- (v) Description of systematic usage of area, operation, orderly development and completion of the sanitary landfill;
- (vi) Earthwork calculations;
- (vii) Seeding specifications and schedules;
- (viii) Calculations for temporary and permanent erosion control measures;
- (ix) Any narrative necessary to describe compliance with the Sedimentation Pollution Control Act of 1973 (15 NCAC 4);
- (x) A discussion of compliance with design requirements in Rule .0503(2) of this Subchapter; and
- (xi) Any other information pertinent to the proposed construction plan.

History Note: Statutory Authority G.S. 130A-294;
 Eff. April 1, 1982;
 Amended Eff. January 1, 1985.

.0505 OPERATIONAL REQUIREMENTS FOR SANITARY LANDFILLS

Any person who maintains or operates a sanitary landfill site shall maintain and operate the site in conformance with the following practices, unless otherwise specified in the permit:

- (1) Plan and Permit Requirements
 - (a) Construction plans shall be approved and followed.
 - (b) Specified monitoring and reporting requirements shall be met.
- (2) Spreading and Compacting Requirements
 - (a) Solid waste shall be restricted into the smallest area feasible.
 - (b) Solid waste shall be compacted as densely as practical into cells.
- (3) Cover Requirements
 - (a) Solid waste shall be covered after each day of operation, with a compacted layer of at least six inches of suitable cover or as specified by the division.
 - (b) Areas which will not have additional wastes placed on them for 12 months or more shall be covered with a minimum of one foot of intermediate cover.
 - (c) After final termination of disposal operations at the site or a major part thereof or upon revocation of a permit, the area shall be covered with at least two feet of suitable compacted earth.
- (4) Erosion Control Requirements
 - (a) Adequate erosion control measures shall be practiced to prevent silt from leaving the site.
 - (b) Adequate erosion control measures shall be practiced to prevent excessive on-site erosion.
- (5) Drainage Control Requirements

- (a) Surface water shall be diverted from the operational area.
 - (b) Surface water shall not be impounded over or in waste.
 - (c) Completed areas shall be adequately sloped to allow surface water runoff in a controlled manner.
- (6) Vegetation Requirements
- (a) Within six months after final termination of disposal operations at the site on a major part thereof or upon revocation of a permit, the area shall be stabilized with native grasses.
 - (b) Temporary seeding will be utilized as necessary to stabilize the site.
- (7) Water Protection Requirements
- (a) The separation distance of four (4) feet between waste and water table shall be maintained unless otherwise specified by the division in the permit.
 - (b) Solid waste shall not be disposed of in water.
 - (c) Leachate shall be contained on site or properly treated prior to discharge. An NPDES permit may be required prior to the discharge of leachate to surface waters.
- (8) Access and Security Requirements
- (a) The site shall be adequately secured by means of gates, chains, berms, fences, and other security measures approved by the division, to prevent unauthorized entry.
 - (b) An attendant shall be on duty at the site at all times while it is open for public use to ensure compliance with operational requirements.
 - (c) The access road to the site shall be of all-weather construction and maintained in good condition.
 - (d) Dust control measures shall be implemented where necessary.
- (9) Sign Requirements
- (a) Signs providing information on dumping procedures, the hours during which the site is open for public use, the permit number and other pertinent information shall be posted at the site entrance.
 - (b) Signs shall be posted stating that no hazardous or liquid waste can be received without written permission from the division.
 - (c) Traffic signs or markers shall be provided as necessary to promote an orderly traffic pattern to and from the discharge area and to maintain efficient operating conditions.
- (10) Safety Requirements
- (a) Open burning of solid waste is prohibited.
 - (b) Equipment shall be provided to control accidental fires or arrangements shall be made with the local fire protection agency to immediately provide fire-fighting services when needed.
 - (c) Fires that occur at a sanitary landfill shall be reported to the division within 24 hours and a written notification shall be submitted within 15 days.
 - (d) The removal of solid waste from a sanitary landfill is prohibited unless the owner/operator approves and the removal is not performed on the working face.

- (e) Barrels and drums shall not be disposed of unless they are empty and perforated sufficiently to ensure that no liquid or hazardous waste is contained therein.
- (11) Waste Acceptance and Disposal Requirements
- (a) A site shall only accept those solid wastes which it is permitted to receive.
 - (b) No hazardous, liquid, or infectious waste shall be accepted or disposed of in a sanitary landfill except as may be approved by the division.
 - (c) Spoiled foods, animal carcasses, abattoir waste, hatchery waste, and other animal waste delivered to the disposal site shall be covered immediately.
 - (d) Asbestos waste that is packaged in accordance with 40 CFR 61, as amended through January 1, 1985, may be disposed of separate and apart from other solid wastes at the bottom of the working face or in an area not contiguous with other disposal areas, in either case, in virgin soil. Separate areas shall be clearly marked so that asbestos is not exposed by future land-disturbing activities. The waste shall be covered immediately with soil in a manner that will not cause airborne conditions. Copies of 40 CFR 61 may be obtained and inspected at the Solid & Hazardous Waste Management Branch, Division of Health Services, P.O. Box 2091, Raleigh, N.C. 27602
- (12) Miscellaneous Requirements
- (a) Effective vector control measures shall be applied to control flies, rodents, and other insects or vermin when necessary.
 - (b) Appropriate methods such as fencing and diking shall be provided within the area to confine solid waste subject to be blown by the wind. At the conclusion of each day of operation, all windblown material resulting from the operation shall be collected and returned to the area by the owner or operator.

History Note: Statutory Authority G.S. 130A-294
Eff. April 1, 1982;
Amended Eff. January 1, 1985.

.0506 APPLICATION REQUIREMENTS FOR DEMOLITION LANDFILLS

This Rule contains the information required for a permit application for each demolition landfill. It is recommended that the site application be submitted and acted upon prior to submitting the application for the operational plan. A minimum of four sets of plans will be required in each application.

- (1) The following is required for reviewing a site plan application for a proposed demolition landfill:
 - (a) A map or aerial photograph accurately showing the area within one-fourth mile of the site and identifying the following:
 - (i) Entire property owned or leased by the person providing the disposal site;

- (ii) Location of all homes, industrial buildings, public or private utilities, roads, wells, watercourses, and other applicable details regarding the general topography;
- (iii) If site is in 100-year floodplain, provide map showing relationship (Federal Insurance Agency map, if available);
- (b) An approval letter from the unit of local government having zoning authority over the area where the site is to be located;
- (c) Location of site on a county roadmap;
- (d) The types of waste for disposal; and
- (e) Any other information pertinent to the suitability of the proposed site;
- (2) The following is required for reviewing a construction plan application for a proposed demolition landfill:
 - (a) A plot plan of the proposed site showing the property boundary, proposed landfilling limits, access controls and features such as roads, streams, etc.;
 - (b) Provisions for controlling erosion;
 - (c) Procedures for promoting vegetative growth as soon as possible on all completed areas (seeding and fertilizer specifications);
 - (d) A copy of the deed or other legal description of the site that would be sufficient as a description in an instrument of conveyance and property owner's name;
 - (e) Anticipated type of material to be disposed of at the site;
 - (f) Name and phone number of individual responsible for operation and maintenance of the site;
 - (g) Projected use of land after completion of the fill; and
 - (h) Any other information pertinent to the proposed operational plan.

History Note: Statutory Authority G.S. 130A-294;
Eff. April 1, 1982.

.0507 OPERATIONAL REQUIREMENTS FOR DEMOLITION LANDFILLS

Any person who maintains or operates a demolition landfill site shall maintain and operate the site in conformance with the following practices, unless otherwise specified in the permit:

- (1) Operational plans shall be approved and followed as specified for the site;
- (2) A site shall only accept those solid wastes which it is permitted to receive;
- (3) Solid waste shall be restricted to the smallest area feasible and compacted as densely as practical into cells;
- (4) Solid waste shall be covered as specified by the division in the permit;

- (5) Within six months after final termination of disposal operations at the site or a major part thereof or upon revocation of a permit, the area shall be covered with adequate soil cover, adequately sloped to allow surface water runoff in a controlled manner without excessive on-site erosion and off-site siltation, and seeded with native grasses or other suitable vegetation. The division may require further action to be taken in order to correct any condition which is or may become injurious to the public health;
- (6) If necessary, to prevent erosion, seeded slopes shall be covered with straw or similar material;
- (7) Temporary seeding will be utilized as necessary to control erosion;
- (8) Adequate erosion control measures shall be practiced to prevent silt from leaving the site;
- (9) The site shall be adequately secured, by means of gates, chains, berms, fences, etc., to prevent unauthorized entry except when a trained operator is on duty. An attendant shall be on duty at the site at all times while it is open for public use to assure compliance with operational requirements and to prevent entry of hazardous waste and other unacceptable waste onto the site;
- (10) Surface water shall be diverted from the operational area and not allowed to be impounded over waste;
- (11) Solid waste shall not be disposed of in water;
- (12) Open burning of solid waste is prohibited; and
- (13) Equipment shall be provided to control accidental fires or arrangements shall be made with the local fire protection agency to immediately provide fire-fighting services when needed.

History Note: Statutory Authority G.S. 130A-294;
Eff. April 1, 1982.

.0508 APPLICATION REQUIREMENTS FOR INCINERATORS

This Rule contains the information required for a permit application for each incinerator. A minimum of two sets of plans will be required for each application.

- (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 Natural Resources and Community Development;
- (3) An approval letter from the unit of local government having zoning authority over the area where the facility is to be located; and
- (4) The type, quantity and source of waste for disposal.

History Note: Statutory Authority G.S. 130A-294;
Eff. April 1, 1982.

.0509 OPERATIONAL REQUIREMENTS FOR INCINERATORS

Any person who maintains or operates an incinerator shall maintain and operate the site in conformance with the following practices, unless otherwise specified in the permit:

- (1) All incinerators shall be designed and operated in a manner so as to prevent the creation of a nuisance or potential health hazard;
- (2) The incinerator plant shall be so situated, equipped, operated, and maintained as to minimize interference with other activities in the area;
- (3) All solid waste to be disposed of at the site shall be confined to the dumping area. Adequate storage facilities shall be provided;
- (4) Effective vector control measures shall be applied to control flies, rodents, and other insects or vermin;
- (5) Equipment shall be provided in the storage and charging areas and elsewhere as needed or as may be required in order to maintain the plant in a sanitary condition;
- (6) All residue from the incinerator plant shall be promptly disposed of at an approved sanitary landfill site;
- (7) An air quality permit issued by the division of environmental management, Department of Natural Resources and Community Development shall be obtained prior to operation;
- (8) A site shall only accept those solid wastes which it is permitted to receive; and
- (9) Water that comes into contact with solid waste will be contained on-site or properly treated prior to discharge. A NPDES permit may be required prior to discharge to surface waters.

History Note: Statutory Authority G.S. 130A-294;
Eff. April 1, 1982.

.0510 CLOSURE CONDITIONS

(a) When the disposal site has been closed in accordance with Rule .0505 of this Subchapter, the operator shall:

- (1) Notify the division in writing in order that a site inspection may be made by the division to determine compliance with closure procedures; and
- (2) Provide test holes, as specified by the division, to determine compliance for final cover.

(b) An inspection shall be made by a representative of the division and a written statement will be supplied to the operator concerning the closure of the site.

(c) When a solid waste disposal site has been closed in accordance with the requirements of the division, future necessary maintenance and water quality monitoring shall be the responsibility of the owner.

(d) When a solid waste disposal site has been closed in accordance with the requirements of the division, the permit is terminated. Any future disposal operators at the site will require a new permit.

History Note: Statutory Authority G.S. 130A-294;
Eff. April 1, 1982.

SECTION .0600 - MONITORING REQUIREMENTS

.0601 GROUNDWATER MONITORING

(a) The division shall require a solid waste management facility to provide such groundwater monitoring capability as the division determines to be necessary to detect the effects of the facility on groundwater in the area. In making such a determination, the division shall consider the following factors:

- (1) the design of the facility, the nature of the processes it will use, and the type of waste it will handle;
- (2) soil and other geological conditions in the area;
- (3) nearness of groundwater to the facility;
- (4) uses that are being or may be made of any groundwater that may be affected by the facility; and
- (5) any other factors that reasonably relate to the potential for groundwater effects from the facility.

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

(c) Any other information that the division deems pertinent to the development of a groundwater monitoring system will be required.

(d) All monitoring wells required pursuant to this Rule must comply with monitoring well construction standards of 15 NCAC 2C .0105, as amended through January 1, 1985. Copies of 15 NCAC 2C may be obtained from and inspected at the Solid & Hazardous Waste Management Branch, Division of Health Services, P.O. Box 2091, Raleigh, N.C., 27602.

(e) A record of well installation must be filed with the division upon completion of the monitoring wells.

(f) Groundwater quality monitoring wells must be constructed of materials and by procedures as approved by the division.

History Note: Statutory Authority G.S. 130A-294;
Eff. April 1, 1982;
Amended Eff. January 1, 1985.

.0602 SURFACE WATER MONITORING

(a) The division shall require a solid waste management facility to provide such surface water monitoring capability as the division determines to be necessary to detect the effects of the facility on surface water in the area. In making such a determination, the division shall consider the following factors:

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

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

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

History Note: Statutory Authority G.S. 130A-294;
Eff. April 1, 1982.

SECTION .0700 - ADMINISTRATIVE PENALTY PROCEDURES

.0701 ADMINISTRATIVE PENALTIES

The following rules provide procedures and standards governing the assessment, remission, mitigation and appeal of administrative penalties imposed by the division under the Solid Waste Management Act, Article 9 of Chapter 130A of the North Carolina General Statutes and 10 NCAC 10G.

History Note: Statutory Authority G.S. 130A-22(f);
Eff. April 1, 1982;
Amended Eff. October 1, 1984.

.0702 STANDARDS

In determining the amount of the administrative penalty, the division shall consider the following standards:

- (1) Nature of the violation and the degree and extent of the harm, including but not limited to the following:
 - (a) For a violation of the Solid Waste Management Act, Article 9 of Chapter 130A of the North Carolina General Statutes, and the rules adopted thereunder:
 - (i) type of violation;
 - (ii) type of waste involved;
 - (iii) duration of the violation;
 - (iv) cause (whether resulting from a negligent, reckless or intentional act or omission);
 - (v) potential effect on public health and the environment;
 - (vi) effectiveness of responsive measures taken by the violator;
 - (vii) damage to private property.
 - (b) For a violation of an order issued under the Solid Waste Management Act, Article 9 of Chapter 130A of the North Carolina General Statutes:
 - (i) subject matter of order;
 - (ii) duration of the violation;
 - (iii) cause (whether resulting from a negligent, reckless or intentional act or omission);
 - (iv) type of violation, if any;
 - (v) potential effect on public health and the environment;
 - (vi) effectiveness of responsive measures taken by violator.
 - (c) For refusing to allow an authorized representative of the Commission for Health Services, any local board of health, or the Department of Human Resources a right of entry as provided for in G.S. 130A-17:
 - (i) type of other violation, if any;
 - (ii) duration of refusal;
 - (iii) potential effect on public health and the environment;
 - (iv) type of waste handled by violator at the solid waste management facility.

- (2) Cost of rectifying any damage.
- (3) The violator's previous record in complying or not complying with the Solid Waste Management Act and the regulations promulgated thereunder.

History Note: Statutory Authority G.S. 130A-22(f);
Eff. April 1, 1982;
Amended Eff. October 1, 1984.

.0703 PROCEDURE FOR ASSESSMENT: REVOCATION OF PERMIT

(a) Depending on the violation involved, the division may issue a notice of penalty assessment immediately or grant the violator a period of time within which to cease the violation.

(b) For all violations for which a penalty is assessed a notice of such action shall be sent the respondent by registered or certified mail. The notice shall describe the nature of the violation with reasonable particularity, the amount of the penalty for each violation, that each day of a continuing violation constitutes a separate violation, advise that the penalty is now due or that it will become due at the end of a specified time, and advise the respondent of his rights of appeal.

(c) In addition to any assessment that might be appropriate, the division may suspend or revoke the permit of any facility upon finding that a condition exists which is or may become injurious to the public health or the environment, or upon finding that the facility's permit was issued based upon incorrect or inadequate information that materially affected the permit decision. The permit-holder shall be given notice that there has been a tentative decision to suspend or revoke the permit and that an administrative hearing will be held in accordance with the rules contained in 10 NCAC 1B .0200 at which the permit-holder may challenge the permit revocation.

(d) If the violation of the rules or law presents an imminent hazard to the public health or the environment as determined by the division, the permit shall be revoked immediately. Notice of the revocation and the right to appeal shall be given forthwith to the permit-holder.

(e) The division or its delegates may modify a penalty upon finding that additional or different facts should have been considered in determining the amount of the assessment or upon finding that the respondent has corrected or mitigated the harm caused by the violation.

History Note: Statutory Authority G.S. 130A-22(f)
Eff. April 1, 1982.

.0704 PAYMENT: HEARING: REMISSION/REDUCTION

(a) Within 30 days after receipt of notification of a penalty assessment, the respondent must tender payment, submit in writing a request for an administrative hearing specifying all the factual or legal issues in dispute, or submit in writing a request for an administrative hearing on remission or reduction of the penalty stating the reasons why such request is justified. Where a hearing is requested, it shall be held in accordance with the rules contained in 10 NCAC 1B .0200 and in G.S. 150A-23 through 150A-52.

(b) Where a tentative decision has been made to revoke the permit of a solid waste management facility or where a permit has been revoked, the division shall schedule a hearing to be held within 30 days after the respondent has received notification of the penalty assessment and the tentative decision to revoke his permit or the revocation of the permit. Such hearing is to be scheduled and conducted in accordance with rules contained in 10 NCAC 1B .0200. At this hearing, the respondent must present all challenges regarding the penalty assessment and permit revocation.

(c) Payment may be tendered in conjunction with a hearing request and in such case, the payment will be accepted as conditional upon final action.

(d) This Rule shall not preclude informal conferences concerning the penalty assessed.

(e) Whenever an administrative hearing is scheduled, to avoid undue costs and delay the respondent will be required to state all the issues in dispute and the division will be required to hold only one administrative hearing.

(f) The division will acknowledge the receipt of all payments.

History Note: Statutory Authority G.S. 130A-22(f);
Eff. April 1, 1982.

.0705 STAY OF PENALTY ASSESSMENT

When an administrative hearing is requested for a purpose other than remission or reduction of the penalty assessed, the penalty will be stayed as of the date the division receives the hearing request until service of the final decision or other settlement of the matter.

History Note: Statutory Authority G.S. 130A-22(f);
Eff. April 1, 1982.

.0706 CONTINUANCE: WAIVER OF ADMINISTRATIVE HEARING

(a) The respondent may for good cause request a continuance of the hearing. The hearing officer will determine if such a continuance should be granted or denied and shall so inform the respondent of his decision at least one day prior to the scheduled hearing.

- (b) A respondent waives his right to a hearing when he:
- (1) submits a written waiver to the division or its delegates of his right to an administrative hearing;
 - (2) fails to request a hearing within 30 days of receipt of notice of penalty assessment; or
 - (3) fails to attend a scheduled administrative hearing.

History Note: Statutory Authority G.S. 130A-22(f);
Eff. April 1, 1982.

.0707 REFERRAL

If any administrative penalty as finally assessed is not paid within 60 days after receipt of notice of penalty assessment where no administrative hearing was requested or within 60 days after service of a written copy of the decision as provided for in G.S. 150A-36 where an administrative hearing was requested, the division shall request the Attorney General to commence an action to recover the amount of the assessment.

History Note: Statutory Authority G.S. 130A-22(f);
Eff. April 1, 1982.

