

15A NCAC 13B .0208 PERMIT EXEMPTIONS

(a) A collection center shall not be required to obtain a permit from the Division for the construction or operation of these facilities if the facility operations comply with Article 9 of Chapter 130A of the General Statutes, the rules of this Subchapter, and the following conditions:

- (1) Collection centers shall not receive solid waste generated from non-residential activities or by commercial waste collection services. Facilities that receive such waste shall comply with the requirements for transfer stations in accordance with Section .0400 of this Subchapter.
- (2) Solid waste received at collection centers shall be stored in accordance with Rule .0104 of this Subchapter. Garbage shall not be stored at the collection center for more than seven days between the time of collection and the time of disposal at a solid waste management facility permitted in accordance with the rules of this Subchapter to accept such waste. Refuse shall not be stored at the collection center more than 90 days between the time of collection and the time of removal to a solid waste management facility permitted in accordance with the rules of this Subchapter to accept such waste.
- (3) Source-separated recyclables such as paper, plastic, and electronics that would be collected by a local curbside recycling collection program but are instead being collected at the collection center for the purpose of recycling are not subject to the requirements of Subparagraph (1) of this Paragraph, and shall be managed in accordance with G.S. 130A-309.05(c).
- (4) The following items shall not be accepted at collection centers for the purposes of disposal:
 - (A) construction, demolition, or industrial wastes from commercial or industrial sources;
 - (B) burning or smoldering waste;
 - (C) asbestos-containing materials, unless it is generated by an individual property owner and is packaged and handled to prevent the material from being friable;
 - (D) radioactive waste;
 - (E) hazardous waste;
 - (F) regulated medical waste;
 - (G) animal carcasses;
 - (H) liquid waste, unless it is in containers similar in size to containers found in household waste; and
 - (I) items banned from landfill disposal pursuant to G.S. 130A-309.10.
- (5) Owners and operators of collection centers shall allow the Division to enter the collection center property to inspect any facilities, equipment, practices, or operations to determine compliance with Article 9 of Chapter 130A of the General Statutes or the rules of this Subchapter.

This Rule does not exempt collection centers and their operations from any other applicable local, State, or federal permitting and operational requirements, if such requirements exist.

(b) A temporary debris storage and reduction site (site) shall not be required to obtain a permit from the Division for the temporary operation of these sites for solid waste management after a disaster event if the operations comply with Article 9 of Chapter 130A of the General Statutes, the rules of this Subchapter, and the following conditions:

- (1) A site shall accept only waste generated by a disaster event for storage, segregation, processing, and reduction. A site shall not be used for solid waste management at any time other than following a disaster event. For the purposes of this Rule, "disaster event" means one of the following:
 - (A) a natural or man-made event that causes a declaration of a state of emergency or disaster in accordance with Chapter 166A, Article 1A, Part 4 of the General Statutes; or
 - (B) a hurricane, tornado, severe storm, ice storm, or a 100-year flood event.
- (2) The landowner or operator of the site shall submit notification of the proposed site to the Division on a site evaluation form, which may be found on the Division's website at <https://deq.nc.gov/about/divisions/waste-management/waste-management-permit-guidance/solid-waste-section/disaster-debris>, that shall include the following:
 - (A) site name, address, city, county, parcel identification number, and latitude and longitude in decimal degrees, driving directions to the site, and acreage of the site;
 - (B) primary operator contact name, telephone number, and e-mail address, and any business name;
 - (C) local government contact name, telephone number, and e-mail address;
 - (D) landowner name, mailing address, telephone number, and e-mail address;
 - (E) waste types proposed to be accepted;

- (F) proposed site operations and procedures for waste acceptance, handling, reduction, and removal;
 - (G) proposed destination of waste or materials removed from the site; and
 - (H) an aerial photograph indicating the proposed waste handling areas at the site and the buffer areas required in accordance with this Rule.
- (3) Unless a site is located at a solid waste management facility that has been permitted by the Division in accordance with the rules of this Subchapter, or that has submitted notification to the Division in accordance with Rule .1402(g)(1)(A) of this Subchapter, sites shall be owned or operated by one of the following:
- (A) a county government as defined in G.S. 153A-10;
 - (B) a city government as defined in G.S. 160A-1;
 - (C) a State or federal agency or institution;
 - (D) a State or federally-recognized Indian tribe; or
 - (E) a third-party entity under contract with one of the entities in Parts (A) through (D) of this Subparagraph with authorization of the landowner.
- (4) A site shall meet the following siting requirements for the acceptance, storage, and processing of yard waste and demolition debris:
- (A) Waste storage, processing, and handling areas shall be located no less than 100 feet from property boundaries, on-site structures, residences, private or public wells, septic tank systems, and surface waters.
 - (B) Waste storage, processing, and handling areas for demolition debris shall be located no less than 250 feet from potable wells.
 - (C) Grinding or chipping of waste shall not occur within 300 feet of a residence or business property or publicly owned roads or properties, unless the Division states a reduced buffer in the conditional approval letter because the type of grinding equipment or procedures proposed to be utilized will reduce the impacted area.
 - (D) A site shall not be located in wetlands as delineated by the U.S. Fish and Wildlife Service (FWS) National Wetlands Inventory Wetlands Mapper, which can be accessed from the U.S. FWS website at <https://www.fws.gov/wetlands/index.html>.
 - (E) A site shall not be located in the floodway as defined in 44 CFR 9.4, which is incorporated by reference, including subsequent amendments and editions, and can be accessed free of charge at <https://www.ecfr.gov>.
 - (F) A site shall not be located in the 100-year floodplain as delineated by the NC Flood Risk Information System (FRIS) unless exempted from this requirement by the Division in the letter of conditional site approval. When making the determination to exempt a site, the Division shall consider the availability of other potential locations that are not in the 100-year floodplain, the need for additional sites following a disaster event, the amount and types of waste proposed to be stored at the site, and the proposed waste handling activities at the site. The NC FRIS mapping tool can be accessed from the NC Floodplain Mapping Program website at <https://fris.nc.gov/fris/?ST=NC>.
 - (G) A site shall not damage or destroy a property of archaeological or historical significance that has been listed on the National Register of Historic Places or included on the Study List for the Register pursuant to 07 NCAC 04R .0206 and .0300, which are incorporated by reference including subsequent amendments. The Division or the site operator shall obtain a site-specific survey from the State's Historic Preservation Office (SHPO) in the Department of Natural and Cultural Resources, and the Division shall include the site-specific survey response on SHPO letterhead with the letter of site pre-approval obtained in accordance with Subparagraph (8) of this Paragraph.
 - (H) The location, access, size, and operation of the site shall not have an adverse impact on any component included in the State Nature and Historic Preserve pursuant to G.S. 143-260.10. The Division or the site operator shall obtain a site-specific survey from the Natural Heritage Program (NHP) in the Department of Natural and Cultural Resources, and the Division shall include the site-specific survey response on NHP letterhead with the letter of site pre-approval obtained in accordance with Subparagraph (8) of this Paragraph.

- (I) A site shall not jeopardize the continued existence of endangered or threatened species or result in the destruction or adverse modification of a critical habitat protected under the Federal Endangered Species Act of 1973, Public Law 93-205, as amended. The Division or the site operator shall obtain a site-specific survey from the Natural Heritage Program (NHP) in the Department of Natural and Cultural Resources, and the Division shall include the site-specific survey response on NHP letterhead with the letter of site pre-approval obtained in accordance with Subparagraph (8) of this Paragraph.
- (J) The site shall comply with 15A NCAC 04 for sedimentation and erosion control. 15A NCAC 04 is incorporated by reference including subsequent amendments.

The Division may amend the buffer requirements of Parts (A) through (C) of this Subparagraph if it is necessary for the preservation of the public health and the environment, or if additional waste handling areas are necessary to expedite recovery from a disaster event. If the Division amends the buffer requirements, the Division shall notify the site owner or operator by email.
- (5) A site shall not accept any waste other than yard waste and demolition debris, except that it may accept household hazardous waste, white goods, or electronics under the following conditions:
 - (A) the solid waste management facility that accepted the household hazardous waste, white goods, or electronics prior to the disaster event is not able to accept these wastes after the disaster event;
 - (B) the site operator shall submit to the Division a plan for the handling and removal of household hazardous waste, white goods, and electronics in writing prior to accepting these wastes after a disaster event;
 - (C) the household hazardous waste, white goods, and electronics shall be stored in containers that comply with Rules .0104 and .0105 of this Subchapter; and
 - (D) the household hazardous waste, white goods, and electronics shall be removed from the site within 30 days of receipt and managed in accordance with Article 9 of Chapter 130A of the General Statutes and the rules of this Subchapter.
- (6) A site shall comply with any local, State, and federal siting, permitting, and operational laws, rules, and ordinances, and with the requirements of the Federal Emergency Management Act.
- (7) The open burning of solid waste is prohibited at a site unless approved by the Division of Air Quality or an EPA-delegated local air program prior to burning after a disaster event. The site shall comply with 15A NCAC 02D, and any additional siting buffers that may apply to burning activities. Ash generated by the burning of solid waste at a site shall be handled in the same manner as ash generated by a solid waste management facility in accordance with G.S. 130A-309.05(b).
- (8) The site operator shall obtain a letter of site pre-approval from the Division stating that the Division has determined that the site meets the conditions of Subparagraphs (1) through (6) of this Paragraph, and providing the site identification number designated by the Division. The Division may provide additional conditions for site use in the letter of site pre-approval if it is necessary to comply with the requirements of this Subchapter, or 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.
- (9) The site operator shall notify the Division verbally or in writing that the site is accepting waste within 14 days of initial acceptance of waste after a disaster event.
- (10) All solid waste shall be removed from the site for disposal, recycling, or reuse within 180 days of initial waste acceptance after a disaster event, unless the owner or operator submits a written request for an extension of time for waste removal, and the Division grants the extension in writing. In making the determination to grant the extension, the Division shall consider factors such as:
 - (A) the type of disaster event;
 - (B) the effects on the part of the State in which the disaster event occurred;
 - (C) the amount and types of waste stored at the site;
 - (D) the efforts taken by the owner or operator to remove the waste;
 - (E) the compliance history of the owner or operator; and
 - (F) any extenuating circumstances that have caused the delay provided by the owner or operator in the request.

- (11) Yard waste that has been reduced or processed, such as chipped wood or mulch, and removed from a site is not subject to regulation as a solid waste or the requirements of this Subchapter if it is managed as a recovered material in accordance with G.S. 130A-309.05(c) by the person receiving the material.
- (12) Within 30 days of the removal of all solid waste, the site shall be graded to prevent ponding of surface water, and vegetative groundcover shall be established.

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