

SECTION .0300 – TREATMENT AND PROCESSING FACILITIES

15A NCAC 13B .0301 SITING AND APPLICATION REQUIREMENTS

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

- (1) Floodplain Restrictions: Any portions of the site property where storage or processing of solid waste occurs shall not be located in the 100-year floodplain.
- (2) Cultural Resources Restrictions: 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.
- (3) State Nature and Historic Preserve Restrictions: 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.
- (4) Endangered and Threatened Species Restrictions: 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.
- (5) Clean Water Act Requirements: A site or site operations shall:
 - (A) not cause a discharge of pollutants into waters of the United States, including wetlands, that violates any requirements of the Clean Water Act, including the National Pollutant Discharge Elimination System (NPDES) requirements pursuant to Section 402 of the Clean Water Act;
 - (B) comply with Section 404 of the Clean Water Act; and
 - (C) not cause the discharge of a nonpoint source of pollution to waters of the United States, including wetlands, that violates any requirement of an area-wide or Statewide water quality management plan that has been approved under Section 208 or 319 of the Clean Water Act.
- (6) Buffer Requirements: Unless otherwise stated in the site permit or local zoning requires larger buffers, the waste handling, treatment, processing, and storage areas shall be:
 - (A) no less than 100 feet from supply wells;
 - (B) no less than 100 feet from property lines;
 - (C) no less than 50 feet from waters of the State as defined in G.S. 143-212, or wetlands as defined in 40 CFR 232.2; and
 - (D) surrounded by an unused and cleared area of no less than 25 feet to allow access for fire or emergency response vehicles.

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

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

- (1) an aerial photograph, representative of existing conditions, at a scale of at least one inch equals 400 feet, showing the area within one quarter mile of the proposed site's boundaries with the following identified:
 - (A) property lines of the entire property where the site will be located;
 - (B) waste treatment, processing, and storage areas;
 - (C) buffer areas and distances to wells, residences, wetlands and water bodies, and descriptions of any buffer requirements by local government zoning regulations;
 - (D) existing land use and zoning;
 - (E) location of all private residences, commercial and industrial buildings, public or private utilities, roads, and schools;
 - (F) on-site easements;
 - (G) location of potable wells and public water supplies;
 - (H) historic sites described in Subparagraph (a)(2) of this Rule;
 - (I) State nature and historic preserves described in Subparagraph (a)(3) of this Rule;
 - (J) the existing topography and features of the site including general surface water drainage patterns and watersheds, 100-year floodplains, perennial and intermittent streams, rivers, and lakes; and

- (K) the classification of the surface water drainage from the site in accordance with 15A NCAC 02B .0300;
 - (2) a letter from the unit of government having zoning jurisdiction over the site that states that the proposed use is allowed within any existing zoning and that any necessary zoning approval or permit has been obtained, and that states the local zoning buffers that apply to the site; and
 - (3) letters from both the State Historic Preservation Office and the Natural Heritage Program within the Department of Natural and Cultural Resources stating whether the proposed use of the site will impact the historic sites described in Subparagraph (a)(2) of this Rule; State nature and historic preserves described in Subparagraph (a)(3) of this Rule; or the endangered or threatened species described in Subparagraph (a)(4) of this Rule located at the site.
- (d) Operations Plan. An application for a permit for a site shall contain an operations plan that shall include the following information:
- (1) the type and quantity of wastes that will be accepted, the anticipated sources of the waste accepted, and the intended destination of recyclables and waste removed from the site;
 - (2) the procedures for receiving, screening, processing, handling, salvaging, storage, treating, and removal of waste and recovered materials, including the anticipated processing, treatment, and storage times,
 - (3) procedures for handling recyclables, wastes banned from landfill disposal in accordance with G.S. 130A-309.10(f), and special wastes as defined in G.S. 130A-290(a)(40);
 - (4) the solid waste treatment, processing, and storage areas, and the buffer areas required by Subparagraph (a)(6) of this Rule;
 - (5) the hours of operation, staffing, parking for visitors and employees, and traffic routing;
 - (6) methods for vector control, dust and odor control, drainage and erosion control, fire prevention, and daily cleanup;
 - (7) record keeping procedures;
 - (8) a description of how the site will comply with the operational and closure requirements of Rule .0302 of this Section;
 - (9) for sites that will accept, process, or recycle construction and demolition wastes, a description of how the site will comply with 40 CFR 61, Subpart M, and G.S. 130A-444 through 452;
 - (10) a contingency plan that shall address planned operations in the event of loss of power, loss of communications, storm surges, scale malfunctions, and scale software malfunctions; in the event that the disposal site, haul route, or transfer equipment is not available; or during conditions exceeding design parameters. The owner or operator of the site shall provide back-up equipment, contact information to obtain the equipment, and plans to by-pass the site in case of equipment breakdown. The contingency plan shall be kept updated on-site and shall include site-specific emergency procedures and contact information in case of emergencies;
 - (11) additional information for activities or features that the owner or operator is proposing that are not otherwise described in this Paragraph, or that the Division may request in writing if it is necessary to determine compliance with the rules of this Subchapter;
 - (12) in addition to the information required in this Paragraph, sites that are proposing to accept scrap tires shall also include the information required by Rule .1106(d) of this Subchapter in the operations plan, if it is not already required to be submitted by this Rule; and
 - (13) in addition to the information required in this Paragraph, sites that are proposing to accept medical waste shall also include the information required by Rule .1204(b)(4) of this Subchapter in the operations plan, if it is not already required to be submitted by this Rule.
- (e) The Division shall review all permit applications in accordance with Rule .0203 of this Subchapter.
- (f) Plans and documents submitted in the permit application in accordance with this Rule shall be incorporated into the permit and the site shall comply with the permit in accordance with Rule .0203(d) of this Subchapter.
- (g) Permits issued by the Division for treatment and processing facilities shall be valid for five years; and shall be subject to the permit fees set forth in G.S. 130A-295.8.
- (h) Modifications to the plans. The owner or operator may request to modify plans that were incorporated into the permit by submitting a written request to the Division that includes the modified plan and a demonstration showing how the proposed modifications comply with the rules of this Section. The Division shall respond to the request in writing within the timeline provided in G.S. 130A-295.8(e); and the response shall either approve or deny the request as submitted or request that additional information be submitted for the Division to consider the request. The Division's approval shall be based on whether the modification complies with the rules of this Subchapter. If the

Division approves the request as submitted or upon receiving the additional information requested, the Division's written approval and the revised pages of the plan shall be added to the site's operating record. The owner or operator shall not implement the modification until the Division has issued an approval.

(i) Sites that received a permit from the Division prior to the readopted effective date of this Rule shall comply with the rules of this Section with the following exceptions:

- (1) buildings, structures, and waste handling areas constructed prior to the readopted effective date of this Rule shall not be required to comply with Paragraph (a) of this Rule for the permitted operational boundary of the site existing on the readopted effective date of this Rule, or any replacements or modifications within that existing permitted operational boundary; and
- (2) if a building, structure, or waste handling area was constructed prior to the readopted effective date of this Rule, and is expanded beyond the existing permitted operational boundary after the readopted effective date of this Rule, the permitted operational boundary that was existing on the readopted effective date of this Rule shall not be required to comply with Paragraph (a) of this Rule, but the expansion areas shall comply with these requirements.

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

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