

**15A NCAC 13B .0534 GENERAL REQUIREMENTS FOR C&DLF FACILITIES AND UNITS**

(a) Permits issued by the Division for C&DLF facilities and units shall be subject to the general requirements set forth in this Rule.

(b) Terms of the Permit. The Solid Waste Management Permit shall incorporate requirements necessary to comply with this Subchapter and the North Carolina Solid Waste Management Act including the provisions of this Paragraph.

- (1) Division Approved Plans. Permits issued after December 31, 2006 shall incorporate the Division approved plans.
  - (A) The scope of the Division approved plans shall include the information necessary to comply with the requirements set forth in Rule .0535 of this Section.
  - (B) The Division approved plans shall be subject to and may be limited by the conditions of the permit.
  - (C) The Division approved plans for a C&DLF facility shall be described in the permit and shall include the Facility Plan required by Rule .0537 of this Section, the Design Hydrogeologic Report required by Rule .0538(b) of this Section, the Engineering Plan required by Rule .0539 of this Section, the Construction Quality Assurance Plan required by Rule .0541 of this Section, the Operation Plan required by Rule .0542 of this Section, the Closure and Post-Closure Plan required by Rule .0543 of this Section, and the Monitoring Plans required by Rule .0544 of this Section.
- (2) Permit provisions. All C&DLF facilities and units shall conform to the specific conditions set forth in the permit and the following general provisions.
  - (A) Duty to Comply. The permittee shall comply with all conditions of the permit. Any permit noncompliance, except as otherwise authorized by the Division, constitutes a violation of the Act and is grounds for enforcement action or for permit revocation, modification, or suspension.
  - (B) Duty to Mitigate. In the event of noncompliance with the permit, the permittee shall minimize the release of waste, leachate, or contaminants to the environment, and shall prevent adverse impacts on human health or the environment.
  - (C) Duty to Provide Information. The permittee shall furnish to the Division any information that the Division may request to determine whether cause exists for modifying, revoking or suspending the permit, or to determine compliance with the permit. The permittee shall also furnish to the Division, upon request, copies of records required to be kept under the conditions of the permit.
  - (D) Recordation Procedures. The permittee shall comply with the requirements of G.S. 130A-301 for a new permit to be effective.
  - (E) Need to Halt or Reduce Activity. It shall not be a defense for a permittee in an enforcement action to claim that it would have been necessary to halt or reduce the permitted activity to maintain compliance with the conditions of the permit.
  - (F) Permit Actions. The permit may be modified, reissued, revoked, suspended, or terminated in accordance with G.S. 130A-23. The filing of a request by the permittee for a permit modification, or a notification of planned changes or anticipated noncompliance, does not stay any existing permit condition.
  - (G) Not Transferable. A permit for a solid waste management facility is transferable only with prior approval of the Department in accordance with G.S. 130A-294(a1).
  - (H) Construction. If construction is not commenced within 18 months from the issuance date of the permit to construct, or an amendment to the permit to construct, then the permit shall expire. The applicant may re-apply for the permit, which shall be subject to statutes and rules in effect on the date of the re-application.
  - (I) Proper Operation and Maintenance. The permittee shall at all times operate and maintain all facilities and systems of treatment and control and related appurtenances which are installed or used by the permittee in compliance with the conditions of the permit. Proper operation and maintenance includes effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process controls, including appropriate quality assurance procedures, in accordance with the conditions of the permit. This provision requires the operation of back-up or auxiliary facilities or similar systems only when necessary to achieve compliance with the conditions of the permit.

- (J) Inspection. The permittee shall allow the Department to enter the permittee's premises where a regulated unit or activity is located or conducted, or where records are kept under the conditions of the permit. The Department shall have access to copy any records required to be kept under the conditions of the permit. The permittee shall allow the Department to inspect any facilities, equipment including practices, operations, or monitoring and control equipment that are required or regulated by the facility permit or the rules of this Subchapter. The permittee shall allow the Department to take photographs for documenting items of compliance or noncompliance at permitted facilities. At the request of the Department, the permittee shall take such photographs and submit them to the Department.
- (K) Monitoring. Samples and measurements taken for monitoring shall be representative of the monitored activity. For the purpose of assuring compliance with the permit or with Chapters 113A, 130A, and 143 of the General Statutes and the rules adopted under the authority of those General Statutes, the permittee shall allow the Department to sample or monitor, at any location under the operation or control of the permittee, any materials, substances, wastes, leachate, soil, groundwater, surface water, gases, gas condensates, or ambient air to the extent authorized by Chapters 113A, 130A, and 143 of the General Statutes and the rules adopted under the authority of those General Statutes. The Department may allow the permittee to split samples with the Department. If the Department allows the permittee to split samples, the permittee and the Department shall collect the samples on a schedule that allows the permittee and the Department to obtain sample containers and equipment prior to sampling.
- (L) Waste Exclusions. Waste to be excluded from disposal in a C&DLF is listed in Rule .0542 of this Section. Permit conditions may include additional exclusions if they are necessary to protect the public health and the environment or to ensure proper landfill operation.
- (M) Additional Solid Waste Management Activities. Construction and operation of additional solid waste management activities at the landfill facility shall not impede operation or monitoring of the C&DLF unit(s). Any proposed additional activities shall be submitted to the Division for review, approval, and permitting, as applicable, before construction and operation.

*History Note:* Authority G.S. 130A-294;  
Eff. January 1, 2007;  
Readopted Eff. September 16, 2021.