

15A NCAC 13B .0542 OPERATION PLAN AND REQUIREMENTS FOR C&DLF FACILITIES

(a) The owner or operator of a C&DLF unit shall maintain and operate the facility in accordance with the operation plan prepared in accordance with this Rule.

(b) Operation Plan. The owner or operator of a C&DLF unit shall prepare an operation plan for each proposed area of landfill development consistent with the engineering plan submitted in accordance with Rule .0539 of this Section. The operation plan shall be submitted in accordance with Rule .0535 of this Section and shall include the following:

- (1) Operation drawings. Drawings shall be prepared for each proposed area of landfill development. The drawings shall be consistent with the engineering plan and shall illustrate the following:
 - (A) existing conditions including the known limits of existing disposal areas;
 - (B) progression of operation including initial waste placement, daily operations, yearly contour transitions, and final contours;
 - (C) any stormwater controls for active and inactive subcells, if included in the engineering plan;
 - (D) special waste handling areas, such as any asbestos disposal area, within the C&DLF unit;
 - (E) buffer zones, noting restricted use;
 - (F) stockpile and borrow operations; and
 - (G) other solid waste activities, such as tire disposal or storage, yard waste storage, white goods storage, and recycling pads.
- (2) Operation report. The report shall provide a narrative discussion of the operation drawings and contain a description of the facility operation that conforms to the requirements of Paragraphs (c) through (o) of this Rule.

(c) Waste Acceptance and Disposal Requirements.

- (1) A C&DLF shall accept only those solid wastes that it is permitted to receive. The landfill owner or operator shall notify the Division within 24 hours of attempted disposal of any waste the C&DLF is not permitted to receive, including waste from outside the area the C&DLF is permitted to serve.
- (2) Owners or operators of C&DLF units shall develop and implement a waste screening plan as required by G.S. 130A-295.6(g) in accordance with the effective date and applicability requirements of S.L. 2007-550, s. 9.(b).
- (3) Asbestos waste shall be managed in accordance with 40 CFR 61(M). Asbestos waste shall be covered upon receipt, with soil or compacted waste, to prevent airborne conditions. Asbestos waste shall be disposed of using methods that prevent unintended exposure of asbestos by future land-disturbing activities, such as disposal in a marked area separate and apart from other solid wastes or recording the latitude and longitude coordinates of the asbestos area within the existing landfill footprint. The disposal methods shall be described in the operations plan required by Paragraph (b) of this Rule.

(d) Wastewater treatment sludge shall not be accepted for disposal. If it is stated in the permit, wastewater treatment sludge may be accepted for utilization as a soil conditioner and incorporated into or applied onto the vegetative growth layer. The wastewater treatment sludge shall neither be applied at greater than agronomic rates nor to a depth greater than six inches.

(e) Waste Exclusions. The following wastes shall not be disposed of in a C&DLF unit:

- (1) containers such as tubes, drums, barrels, tanks, cans, and bottles unless they are empty and perforated to ensure that no liquid waste, hazardous waste, or municipal solid waste is contained therein;
- (2) garbage;
- (3) hazardous waste, including hazardous waste from very small quantity generators as defined by 40 CFR 260.10, incorporated by reference at 15A NCAC 13A .0102(b);
- (4) industrial solid waste unless a demonstration has been made and approved by the Division that the landfill meets the requirements of Rule .0503 of this Section;
- (5) liquid wastes;
- (6) medical waste;
- (7) municipal solid waste;
- (8) polychlorinated biphenyl (PCB) wastes as defined in 40 CFR 761.3;
- (9) wastes containing radioactive material as defined in G.S. 104E-5(14);
- (10) septage;

- (11) sludge;
- (12) special wastes;
- (13) white goods;
- (14) yard trash; and
- (15) the following wastes shall not be received if separate from C&DLF waste: lamps or bulbs including halogen, incandescent, neon, or fluorescent; lighting ballast or fixtures; thermostats and light switches; batteries including those from exit and emergency lights and smoke detectors; lead pipes; lead roof flashing; transformers; capacitors; and copper chrome arsenate (CCA) and creosote treated woods.
- (16) Waste accepted for disposal in a C&DLF unit shall be identifiable as C&D waste and shall not have been shredded, pulverized, or processed to such an extent that the composition of the original waste cannot be ascertained except as specified in Subparagraph (17) of this Paragraph.
- (17) C&D waste that has been shredded, pulverized, or otherwise processed may be accepted for disposal from a facility that has received a permit from a State or local government regulatory authority which specifies such activities are inspected by the authority, and whose primary purpose is recycling and reuse of the C&D material. A waste screening plan and waste acceptance plan shall be made available to the Division upon request.
- (18) The owner or operator of a C&DLF shall not knowingly dispose any type or form of C&D waste that is generated within the boundaries of a unit of local government that by ordinance:
 - (A) prohibits generators or collectors of C&D waste from disposing that type or form of C&D waste; or
 - (B) requires generators or collectors of C&D waste to recycle that type or form of C&D waste.

(f) Compaction and cover material requirements. Solid waste shall be managed within the disposal area throughout the life-of-site and post-closure care period to prevent the escape of waste and the attraction of vectors and scavenging, and to minimize fires and the generation of odors. The owner or operator shall comply with this requirement using the following compaction and cover procedures:

- (1) The owner or operator shall compact the solid waste.
- (2) Except as provided in Subparagraph (4) of this Paragraph, the owners and operators of all C&DLF units shall cover the solid waste with six inches of earthen material when the waste disposal area exceeds one-half acre and no less than once weekly. Cover shall be placed at more frequent intervals if necessary to prevent the escape of waste and the attraction of vectors and scavenging, and to minimize fires and the generation of odors. A notation of the date and time of the cover placement shall be recorded in the operating record as specified in Paragraph (n) of this Rule.
- (3) Areas that will not have additional wastes placed on them for three months or more, but where final termination of disposal operations has not occurred, shall be covered and stabilized with vegetative ground cover or other stabilizing material as provided for in Subparagraph (4) of this Paragraph.
- (4) Alternative materials or an alternative thickness of cover are allowed with prior approval of the Division if the owner or operator demonstrates that the alternative material or thickness prevents the escape of waste and the attraction of vectors and scavenging, and minimizes fires and the generation of odors without presenting a threat to human health and the environment. Alternative materials that have been approved by the Division for use at any C&DLF may be used at all C&DLFs in accordance with G.S. 130A-295.6(h1).

(g) Windblown waste requirements. Methods such as fencing and diking shall be provided within the area to confine solid waste that is subject to be blown by the wind. At the conclusion of each operating day, all windblown material resulting from the operation shall be collected and disposed of by the owner or operator.

(h) Vector control. Owners or operators of all C&DLF units shall prevent or control on-site populations of vectors.

(i) Air Criteria and Fire Control.

- (1) Owners or operators of C&DLF units shall ensure that the units do not violate any applicable requirements developed under a State Implementation Plan (SIP) approved or promulgated by the U.S. EPA Administrator pursuant to Section 110 of the Clean Air Act, as amended.
- (2) Open burning, as defined in 15A NCAC 02D .1900, of solid waste, except for the approved burning of land clearing debris generated on-site or debris from emergency clean-up operations, is prohibited at all C&DLF facilities. Prior to any burning, a request shall be sent to the Division for review. The Division shall approve the burning if the Division determines that the burning is one

of the two types of burning described in this Subparagraph. A notation of the date of approval and the name of the Division personnel who approved the burning shall be included in the operating record.

- (3) C&DLF units shall maintain equipment on site to control accidental fires and arrangements shall be made with the local fire protection agency to provide fire-fighting services.
 - (4) Fires and explosions that occur at a C&DLF require verbal notice to the Division within 24 hours and written notification within 15 days. Written notification shall include the suspected cause of fire or explosion, the response taken to manage the incident, and the action(s) to be taken to prevent the future occurrence of fire or explosion.
- (j) Access and safety requirements.
- (1) The C&DLF shall be secured to prevent unauthorized entry by means such as gates, chains, berms, fences, or natural barriers such as rivers.
 - (2) In accordance with G.S. 130A-309.25, an individual trained in landfill operations shall be on duty at the site while the C&DLF is open for public use and at all times during active waste management operations at the C&DLF to ensure compliance with operational requirements.
 - (3) The access road to the C&DLF shall be of all-weather construction and maintained to allow access by Department vehicles or vehicles containing waste. The access roads or paths to monitoring locations shall be maintained to allow access by the Department.
 - (4) Fugitive dust emissions generated by site operations shall comply with 15A NCAC 02D .0540.
 - (5) Signs providing information on disposal procedures, the hours during which the site is open for public use, the permit number, and any information specified in the permit conditions to be included on the sign shall be posted at the site entrance.
 - (6) Signs shall be posted stating the types of waste that shall not be accepted at the C&DLF unit, such as liquid waste, hazardous waste, and municipal solid waste.
 - (7) Traffic signs or markers shall be provided to direct traffic to and from the discharge area to minimize traffic congestion.
 - (8) The removal of solid waste from a C&DLF unit is prohibited unless the operational plan includes a recycling program. The general public is prohibited from removal activities on the working face.
- (k) Erosion and sedimentation control requirements. Erosion control measures consisting of vegetative cover, materials, structures, or other devices shall be utilized to prevent silt from leaving the site and to prevent on-site erosion, and shall comply with 15A NCAC 04, which is incorporated by reference including subsequent amendments and editions.
- (l) Drainage control and water protection requirements.
- (1) Surface water shall be diverted from the operational area.
 - (2) Surface water shall not be impounded over or in waste.
 - (3) Solid waste shall not be disposed of in water.
 - (4) Leachate shall be contained on-site or treated prior to discharge. A National Pollutant Discharge Elimination System (NPDES) permit may be required in accordance with 15A NCAC 02B prior to the discharge of leachate to surface waters.
 - (5) C&DLF units shall not:
 - (A) cause a discharge of pollutants into waters of the United States, including wetlands, that violates any requirements of the Clean Water Act, including the NPDES requirements, pursuant to Section 402 of the Clean Water Act; or
 - (B) 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 State-wide water quality management plan that has been approved under Section 208 or 319 of the Clean Water Act, as amended.
- (m) Survey for Compliance. Within 60 days of the permittee's receipt of the Division's written request for a survey, the permittee shall have a survey conducted of active or closed portions of the facility to determine whether operations are being conducted in accordance with the approved design and operational plans. The permittee shall report the results of such survey, including a map produced by the survey, to the Division within 90 days of receipt of the Division's request.
- (1) A survey may be required by the Division: if there is reason to believe that operations are being conducted in a manner that deviates from the plans included in the effective permit, or no more than once per year as a verification that operations are being conducted in accordance with the plans included in the effective permit.

- (2) If required by G.S. 89C, any survey performed pursuant to this Paragraph shall be performed by a licensed professional land surveyor.
- (n) Operating Record and Recordkeeping requirements.
- (1) The owner and operator of a C&DLF unit shall record and retain at the facility or in an alternative location stated in the permit an operating record that shall contain the following information:
- (A) records of random waste inspections, monitoring results, certifications of training required by G.S. 130A-309.25, and documentation of training required by Rule .0544(e)(3) of this Section;
 - (B) amounts by weight of solid waste received at the facility including county of generation consistent with G.S. 130A-309.09D;
 - (C) any demonstration, certification, finding, monitoring, testing, or analytical data required by Rules .0544 through .0545 of this Section;
 - (D) any closure or post-closure monitoring, testing, or analytical data as required by Rule .0543 of this Section;
 - (E) any cost estimates and financial assurance documentation required by Rule .0546 of this Section and Section .1800 of this Subchapter.
 - (F) notation of date and time of placement of cover material; and
 - (G) all audit records, compliance records, and inspection reports.
- (2) All information contained in the operating record shall be furnished to the Division according to the permit, or shall be made available for review by the Division at the time and place of an inspection of the C&DLF or upon request. The information contained in the operating record shall be recorded and retained in a format that is accessible and viewable by the Division.
- (3) The operating record shall also include:
- (A) a copy of the approved operation plan required by this Rule and the engineering plan required by Rule .0539 of this Section;
 - (B) a copy of the current permit to construct and permit to operate; and
 - (C) a copy of the monitoring plan, in accordance with Rule .0544 of this Section, included as appendices to the operation plan.
- (o) Leachate Management Plan. The owner or operator of a C&DLF unit designed with a leachate collection system shall establish and maintain a leachate management plan that includes the following:
- (1) periodic maintenance of the leachate collection system;
 - (2) maintaining records for the amount of leachate generated;
 - (3) annual leachate quality sampling and analysis;
 - (4) approval documentation for final leachate disposal; and
 - (5) a contingency plan for extreme operational conditions.

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