

15A NCAC 13B .0562 BENEFICIAL FILL

- (a) "Beneficial fill" means a fill activity to level or bring an area to grade for the beneficial purpose of stabilizing the land or improving the land use potential using only inert debris waste.
- (b) A solid waste management permit is not required for beneficial fill that meets the following conditions:
- (1) any soils mixed with the beneficial fill or used for cover shall meet unrestricted use standards for soils as defined in G.S. 130A-310.65;
 - (2) excavation shall not be conducted for the purpose of creating a beneficial fill area or expanding the footprint of the existing beneficial fill area;
 - (3) in the absence of local ordinances pertaining to beneficial fill, the activity shall be limited in duration to one year from the initial placement of material and no larger than one acre in size;
 - (4) the beneficial fill shall be setback from an adjacent property line a distance that allows for slope construction and maintenance in accordance with Subparagraph (5) of this Paragraph and any local ordinances;
 - (5) the beneficial fill shall be covered with a minimum of one foot of compacted soil and graded at a slope ratio that shall not exceed three horizontal to one vertical;
 - (6) the beneficial fill shall comply with all other applicable federal, State, and local laws, ordinances, rules, and regulations, including local zoning restrictions, flood plain regulations, wetland regulations, mining regulations, and sedimentation and erosion control regulations;
 - (7) the beneficial fill shall comply with the groundwater quality standards established in 15A NCAC 02L; and
 - (8) beneficial fill shall not be placed in waters of the State, or at or below the seasonal high groundwater table as defined in Rule .0532 of this Section.
- (c) Soil generated from properties where there has been no known release of contaminants shall not be subject to regulation as a solid waste. This Rule and the solid waste permitting requirements under this Subchapter shall not apply to fill activities solely consisting of soil generated from properties where there has been no known release of contaminants.
- (d) This Rule and the solid waste permitting requirements under this Subchapter shall not apply to fill activities solely consisting of soil generated from properties where there has been a release of contaminants, if the soil meets unrestricted use standards for soils as defined in G.S. 130A-310.65.
- (e) Fill activities using solid waste as the fill material that do not meet the requirements of this Rule are subject to permitting as a solid waste management facility in accordance with this Subchapter.

History Note: Authority G.S. 130A-294;
Eff. January 4, 1993;
Readopted Eff. January 1, 2021.