

15A NCAC 13B .1604 GENERAL REQUIREMENTS FOR MSWLF FACILITIES

(a) Permits issued by the Division for MSWLF 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 March 9, 1993 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 .1617 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 an MSWLF facility shall be described in the permit and shall include the Facility Plan required by Rule .1619 of this Section, the Engineering Plan required by Rule .1620 of this Section, the Construction Quality Assurance Plan required by Rule .1621 of this Section, the Design Hydrogeologic Report and Monitoring Plans required by Rule .1623(b) of this Section, the Operation Plan required by Rule .1625 of this Section, and the Closure and Post-Closure Plan required by Rule .1629 of this Section.
- (2) Permit provisions. All MSWLF 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.
 - (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 which the Division may request to determine whether cause exists for modifying 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 this 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. A 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 does not commence within 18 months from the issuance date of the permit to construct, or an amendment to the permit, then the permittee shall obtain written approval from the Division prior to construction and comply with any conditions of the approval. In determining whether to approve construction, the Division shall consider length of time elapsed since issuance of permit, any changes in applicable State and federal statutes and rules since issuance of the permit, and any changes in financial qualifications or environmental compliance status of the holder of the permit in accordance with G.S. 130A-295.2 and G.S. 130A-295.3.
 - (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 that monitoring 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) Records. The permittee shall retain records of all monitoring information required by the permit for the active life of the facility and for the post-closure care period. Records of monitoring information shall include: the date, place, and time of sampling or measurements; the individual(s) who performed the sampling or measurements; the date(s) analyses were performed; the individual(s) who performed the analyses; the analytical techniques, methods, and equipment used; and the results of such analyses.
- (M) Reporting Requirements. The permittee shall give notice to the Division of any planned physical alterations or additions to the permitted facility prior to making the alterations or additions. Results of environmental monitoring required in accordance with this Subchapter shall be reported at the intervals specified in the permit. The permittee shall give notice to the Division via telephone or e-mail within 24 hours from the time the permittee becomes aware of the circumstances of any release or discharge outside the liner, collection system or other containment component, any fire, or explosion from the permitted landfill facility. Where the permittee becomes aware that it failed to submit all relevant facts and corrected information in a permit application, or submitted incorrect information in a permit application or in any report to the Division, the permittee shall submit the corrected facts or information to the Division.
- (N) 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. 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. If required by G.S. 89C, any survey performed pursuant to this Part shall be performed by a licensed professional land surveyor. [Note: The North Carolina Board of Examiners for Engineers and Surveyors has determined, by resolution dated March 31, 2011 that preparation of survey pursuant to this Paragraph constitutes practicing surveying under G.S. 89C.

- (O) Additional Solid Waste Management Facilities. Construction and operation of additional solid waste management facilities at the landfill facility shall not impede operation or monitoring of the MSWLF units. 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. October 9, 1993;
Amended Eff. May 1, 2011;
Readopted Eff. September 16, 2021.*