

15A NCAC 13B .1618 SITE STUDY FOR MSWLF FACILITIES

(a) Purpose. As required under Rule .1617 of this Section, the owner and operator shall prepare a site study that meets the requirements of this Rule. The Division shall review the site study for a proposed new facility prior to consideration of an application for a permit to construct to determine if the site is suitable for establishing a MSWLF unit because nothing would prevent the MSWLF unit from being able to be constructed and operated in accordance with Article 9 of Chapter 130A of the General Statutes, the rules of this Subchapter, and the Federal Resource Conservation and Recovery Act, as amended. Following review of the site study, the Division shall notify the applicant that either:

- (1) the site is deemed suitable for establishing a MSWLF unit and the applicant is authorized to prepare an application for a permit to construct in accordance with Rule .1617 of this Section and the site-specific conditions and design requirements stated in the notification, if any; or
- (2) the site is deemed unsuitable for establishing a MSWLF unit and shall specify the reasons which would prevent the MSWLF facility from being constructed and operated in accordance with Article 9 of Chapter 130A of the General Statutes, the rules of this Subchapter, and the Federal Resource Conservation and Recovery Act, as amended.

(b) Scope. The site shall be the land that is proposed for the landfill facility. The site study shall present a characterization of the land, incorporating various investigations and requirements pertinent to suitability of a MSWLF facility. The scope of the site study shall include criteria associated with the public health, public welfare, and the environment. The economic feasibility of a proposed site shall not be within the scope of this study. The information in the site study shall represent site characteristics and, if required by G.S. 89C, 89E, or 89F and not under the purview of another licensed profession, shall be prepared by licensed professional engineers, licensed geologists, licensed soil scientists, or licensed professional land surveyors. An MSWLF unit shall comply with the location restrictions set forth in Rule .1622 of this Section. To demonstrate compliance with specific criteria for each of the respective location restrictions, documentation or approval by agencies other than the Division of Waste Management, Solid Waste Section may be required. The scope of demonstrations including design and construction performance shall be addressed in the site study.

(c) The site study prepared for a MSWLF facility shall include the information required by this Paragraph.

- (1) Regional characterization study. The regional study area includes the landfill facility and a two-mile perimeter measured from the proposed boundary of the landfill facility. The study shall include a report and a regional map identifying the following:
 - (A) general topography and features as illustrated on the most recent U.S.G.S. topographic map, 7.5 Minute Series, horizontal scale of at least one inch equals 2,000 feet;
 - (B) proposed landfill facility location;
 - (C) public water supply wells, surface water intakes, and service areas;
 - (D) residential subdivisions;
 - (E) waste transportation routes; and
 - (F) public use airports and runways.
- (2) Local characterization study. The local study area includes the landfill facility and a 2,000-foot perimeter measured from the proposed boundary of the landfill facility. The study shall include an aerial photograph taken within one year of the original submittal date, a report, and a local map. The map and photograph shall be at a scale of at least one inch equals 400 feet. The study shall identify the following:
 - (A) the entire property proposed for the disposal site and any on-site easements;
 - (B) existing land use and zoning;
 - (C) the location of private residences and schools;
 - (D) the location of commercial and industrial buildings, and other potential sources of contamination;
 - (E) the location of potable wells and available documentation regarding well completion and production rate;
 - (F) historic sites; and
 - (G) the existing topography and features of the disposal site including: general surface water drainage patterns and watersheds, 100-year floodplains, perennial and intermittent streams, rivers, and lakes.
- (3) Proposed Facility Plan. A conceptual plan for the development of the facility including drawings and a report shall be prepared which incorporates the summary findings of the geologic and hydrogeologic report as set forth in Rule .1623(a)(13) of this Section and includes the drawings

and reports described in Rule .1619(d)(1), (d)(2), (e)(1), (e)(2), (e)(3), (e)(5), (e)(6), and (e)(7) of this Section.

- (4) Site Hydrogeologic Report. The study shall be prepared in accordance with the requirements set forth in Rule .1623(a) of this Section.
- (5) Location Restrictions. A report shall be prepared demonstrating compliance with the criteria in Rule .1622 of this Section; and the report shall incorporate the proposed facility plan and, if applicable, discuss planned compliance with design and construction standards referenced in Rule .1622(2), (3), (4)(a), (5)(a), and (6) of this Section.
- (6) Local government approvals for MSWLFs.
 - (A) If the permit applicant is a unit of local government and the proposed MSWLF unit is located within the permit applicant's jurisdiction, the approval of the local governing board shall be required. Approval may be in the form of either a resolution or a vote on a motion. A copy of the resolution or the minutes of the meeting where the vote was taken shall be submitted to the Division as part of the site study. Prior to issuance of approval, the jurisdictional local government where the MSWLF unit is to be located shall hold at least one public meeting to inform the community of the proposed waste management activities as described in the proposed facility plan prepared in accordance with Subparagraph (3) of this Paragraph. The local government where the MSWLF unit is to be located shall provide a public notice of the meeting at least 30 days prior to the meeting, shall place the proposed facility plan in a location accessible by the public, and shall make the location known in the public notice.
 - (B) A permit applicant other than the unit of local government with jurisdiction over the proposed MSWLF unit shall obtain a franchise in accordance with G.S. 130A-294(b1). A copy of the franchise shall be submitted to the Division as part of the site study. Prior to issuance of a franchise, the jurisdictional local government where the MSWLF unit is to be located shall conduct a public hearing in accordance with the public notification requirements of G.S. 130A-294(b1)(3) and in accordance with the publication and documentation requirements of Parts (C) and (D) of this Subparagraph.
 - (C) Public notice required by this Subparagraph shall be given by publication on the jurisdictional local government website, publication by a local news organization, and by other methods that the Division may request, such as posting in the post office and public places of the municipalities nearest the site under consideration, or posting on social media or mass mailings, if it is necessary to give actual notice of the activities to potentially affected persons. Public notice shall include time, place, and purpose of the meetings required by this Subparagraph.
 - (D) Public notice shall be documented in the site study. A recording or a written transcript of the meeting, all written material submitted representing community concerns, and all other written material distributed or used at the meeting pertaining to the proposed MSWLF unit shall be submitted as part of the site study.
 - (E) A letter from the unit of local government having zoning jurisdiction over the site which states that the proposal meets all the requirements of the local zoning ordinance, or that the site is not zoned shall be submitted to the Division with the site study.

History Note: Authority G.S. 130A-294;
Eff. October 9, 1993;
Readopted Eff. September 16, 2021.