

**15A NCAC 13A .0113 THE HAZARDOUS WASTE PERMIT PROGRAM - PART 270**

(a) 40 CFR 270.1 through 270.6 (Subpart A), "General Information" are incorporated by reference including subsequent amendments and editions. For the purpose of this incorporation by reference, "January 26, 1983" shall be substituted for "July 26, 1982" contained in 40 CFR 270.1(c).

(b) 40 CFR 270.10 through 270.29 (Subpart B), "Permit Application" are incorporated by reference including subsequent amendments and editions.

(c) In addition to the specific Part B Permit Application information requirements for all hazardous waste facilities as defined in 40 CFR 270.14, the owners and operators of hazardous waste facilities shall provide the following information:

- (1) description and documentation of the public meetings as required in 15A NCAC 13A .0109(r)(7);
- (2) a description of the hydrological and geological properties of the site including flood plains, depth to water table, ground water travel time, seasonal and long-term groundwater level fluctuations, proximity to public water supply watersheds, consolidated rock, soil pH, soil cation exchange capacity, soil characteristics, composition, and permeability; existence of cavernous bedrock and seismic activity; slope; mines; climate; location and withdrawal rates of surface water users within the immediate drainage basin and well water users within a one mile radius of the facility; water quality information of both surface and groundwater within 1000 feet of the facility; and a description of the local air quality;
- (3) a description of the facility's proximity to and potential impact on wetlands, endangered species habitats, parks, forests, wilderness areas, historical sites, mines, and air quality;
- (4) a description of local land use including residential, industrial, commercial, recreational, agricultural, and the proximity to schools and airports;
- (5) a description of: the proximity of the facility to waste generators and population centers; a description of the method of waste transportation; the comments of the local community and state transportation authority on the proposed route; and route safety. Comments shall include proposed alternative routes and restrictions necessary to protect the public health;
- (6) a description of facility aesthetic factors including visibility, appearance, and noise level; and
- (7) a description of any other objective factors that the Department determines are related and relevant to the proper siting and operation of the facility.

(d) In addition to the specific Part B Permit Application information requirements for hazardous waste disposal facilities as defined in 40 CFR 270.17 through 270.19 and 270.21, owners, and operators of hazardous waste landfills or longterm storage facilities shall provide the following information:

- (1) design drawings and specifications of the leachate collection and removal system;
- (2) design drawings and specifications of the artificial impervious liner;
- (3) design drawings and specifications of the clay or clay-like liner below the artificial liner, and a description of the permeability of the clay or clay-like liner; and
- (4) a description of how hazardous wastes will be treated prior to placement in the facility.

(e) In addition to the specific Part B Permit Application information requirements for surface impoundments as defined in 40 CFR 270.17, owners and operators of surface impoundments shall provide the following information:

- (1) design drawings and specifications of the leachate collection and removal system;
- (2) design drawings and specifications of all artificial impervious liners;
- (3) design drawings and specifications of all clay or clay-like liners and a description of the clay or clay-like liner; and
- (4) design drawings and specifications that show that the facility has been constructed in a manner that will prevent landsliding, slippage, or slumping.

(f) 40 CFR 270.30 through 270.33 (Subpart C), "Permit Conditions" are incorporated by reference including subsequent amendments and editions.

(g) 40 CFR 270.40 through 270.43 (Subpart D), "Changes to Permit" are incorporated by reference including subsequent amendments and editions.

(h) 40 CFR 270.50 through 270.51 (Subpart E), "Expiration and Continuation of Permits" are incorporated by reference including subsequent amendments and editions.

(i) 40 CFR 270.60 through 270.66 (Subpart F), "Special Forms of Permits" are incorporated by reference including subsequent amendments and editions.

(j) 40 CFR 270.70 through 270.73 (Subpart G), "Interim Status" are incorporated by reference including subsequent amendments and editions. For the purpose of this incorporation by reference, "January 1, 1986" shall be substituted for "November 8, 1984" contained in 40 CFR 270.73(c).

(k) 40 CFR 270.235, (Subpart I), "Integration with Maximum Achievable Control Technology (MACT) Standards" is incorporated by reference including subsequent amendments and editions.

(l) The following are additional permitting requirements for hazardous waste facilities.

- (1) An applicant applying for a permit for a hazardous waste facility shall submit a disclosure statement to the Department as a part of the application for a permit, a permit renewal, or a permit modification that involves a change in owner or operator. The disclosure statement shall be supported by an affidavit attesting to the truth and completeness of the facts asserted in the statement and shall include:
  - (A) a brief description of the form of the business (e.g. partnership, sole proprietorship, corporation, association, or other);
  - (B) the name and address of any hazardous waste facility constructed or operated after October 21, 1976 by the applicant or any parent or subsidiary corporation if the applicant is a corporation;
  - (C) a list identifying any legal action taken against any facility identified in Part (l)(1)(B) of this Rule involving:
    - (i) any administrative ruling or order issued by any state, federal, or local authority relating to revocation of any environmental or waste management permit or license, or to a violation of any state or federal statute or local ordinance relating to waste management or environmental protection;
    - (ii) any judicial determination of liability or conviction under any state or federal law or local ordinance relating to waste management or environmental protection; and
    - (iii) any pending administrative or judicial proceeding of the type described in this Part; and
  - (D) the identification of each action described in Part (l)(1)(C) of this Rule shall include the name and location of the facility that the action concerns, the agency or court that heard or is hearing the matter, the title, docket or case number, and the status of the proceeding.
- (2) In addition to the information set forth in Subparagraph (l)(1) of this Rule, the Department shall require from any applicant additional information as it deems necessary to satisfy the requirements of G.S. 130A-295. The information may include:
  - (A) the names, addresses, and titles of all officers, directors, or partners of the applicant and of any parent or subsidiary corporation if the applicant is a corporation;
  - (B) the name and address of any company in the field of hazardous waste management in which the applicant business or any of its officers, directors, or partners, hold an equity interest and the name of the officer, director, or partner holding such interest; and
  - (C) a copy of any administrative ruling or order and of any judicial determination of liability or conviction described in Part (l)(1)(C) of this Rule, and a description of any pending administrative or judicial proceeding in that item.
- (3) If the Department finds that any part or parts of the disclosure statement is not necessary to satisfy the requirements of G.S. 130A-295, the information shall not be required.

(m) An applicant for a new or modification to an existing commercial facility permit shall provide a description and justification of the need for the facility.

(n) Requirements for Off-site Recycling Facilities.

- (1) The permit requirements of 15A NCAC 13A .0109 apply to owners and operators of off-site recycling facilities unless excluded in Subparagraph (n)(2) of this Rule.
- (2) Requirements of Subparagraphs (n)(4), (5), (6), (7) and (8) of this Rule do not apply to owners and operators of off-site recycling facilities that recycle only precious metals as described in 40 CFR 40 CFR 266.70(a).
- (3) Off-site facilities that recycle precious metals shall comply with the regulations as described in 15A NCAC 13A .0111(b).
- (4) Notwithstanding any other statement of applicability, the following provisions of 40 CFR 264 shall apply to owners and operators of off-site recycling facilities except those excluded in Subparagraph (n)(2) of this Rule:
  - (A) Subpart B - General Facility Standards;
  - (B) Subpart C - Preparedness and Prevention;
  - (C) Subpart D - Contingency Plan and Emergency Procedures;

- (D) Subpart E - Manifest System, Recordkeeping and Reporting;
  - (E) Subpart G - Closure and Post-closure;
  - (F) Subpart H - Financial Requirements;
  - (G) Subpart I - Use and Management of Containers;
  - (H) Subpart J - Tank Systems;
  - (I) 264.101 - Corrective Action for Solid Waste Management Units;
  - (J) Subpart X - Miscellaneous Units; and
  - (K) Subpart DD - Containment Buildings.
- (5) The requirements listed in Subparagraph (n)(4) of this Rule apply to the entire off-site recycling facility, including all recycling units, staging and process areas, and permanent and temporary storage areas for wastes.
- (6) The following provisions of 15A NCAC 13A .0109 shall apply to owners and operators of off-site recycling facilities:
- (A) the substitute financial requirements of Rule .0109(i)(1), (2) and (4); and
  - (B) the additional standards of Rule .0109(r)(1), (2), (3), (6) and (7).
- (7) The owner or operator of an off-site recycling facility shall keep a written operating record at his facility.
- (8) The following information shall be recorded and maintained in the operating record until closure of the facility:
- (A) a description and the quantity of each hazardous waste received, and the method(s) and date(s) of its treatment, storage, or recycling at the facility;
  - (B) the location of all hazardous waste within the facility and the quantity at each location. This information shall include cross-references to specific manifest document numbers if the waste was accompanied by a manifest; and
  - (C) documentation of the fate of all hazardous wastes received from off-site or generated on-site. This shall include records of the sale, reuse, off-site transfer, or disposal of all waste materials.
- (o) Permit Fees for Commercial Hazardous Waste Facilities.
- (1) An applicant for a permit modification for a commercial hazardous waste facility shall pay an application fee for the Class of permit modification defined in 40 CFR 270.42 as follows:
- (A) Class 1 permit modification \$100;
  - (B) Class 2 permit modification \$1,000; or
  - (C) Class 3 permit modification \$5,000.
- Class 1 permit modifications identified in Appendix I to 40 CFR 270.42 that do not require prior approval of the Division Director are excluded from the fee requirement.
- (2) The application fee for a new permit, permit renewal, or permit modification shall accompany the application, and is non-refundable. The application shall be considered incomplete until the fee is paid. Checks shall be made payable to: Division of Waste Management.

*History Note: Authority G.S. 130A-294(c); 130A-294.1; 130A-295(a)(1),(2), (c); Eff. November 19, 1980; Amended Eff. November 1, 1989; June 1, 1988; February 1, 1988; December 1, 1987; Transferred and Recodified from 10 NCAC 10F .0034 April 4, 1990; Amended Eff. August 1, 1990; Recodified from 15A NCAC 13A .0014 Eff. August 30, 1990; Amended Eff. April 1, 1993; August 1, 1991; October 1, 1990; Recodified from 15A NCAC 13A .0013 Eff. December 20, 1996; Amended Eff. August 1, 2008; April 1, 2006; August 1, 2004; April 1, 2001; August 1, 2000; Temporary Amendment Eff. May 30, 2017 (replaced by the rule effective March 1, 2018); Readopted Eff. March 1, 2018.*