

15A NCAC 13B .0103 GENERAL REQUIREMENTS

(a) All solid waste shall be stored, collected, transported, separated, processed, recycled, recovered, and disposed of in a manner consistent with the requirements of the rules of this Subchapter. The Division is responsible for the enforcement of the rules of this Subchapter.

(b) No solid waste containing radioactive material as defined in G.S. 104E-5 shall be collected and transported, stored, treated, processed, disposed of, or reclaimed, except as authorized by a radioactive material license issued by the Department of Health and Human Services, Division of Health Service Regulation, Radiation Protection Section.

(c) Solid waste shall be disposed of in accordance with Article 9 of Chapter 130A of the General Statutes and the rules of this Subchapter. The disposal of solid waste shall be in accordance with the hierarchy of methods of managing solid waste in G.S. 130A-309.04(a)(1) through (6).

(d) In addition to the requirements of G.S. 130A-309.10, hazardous waste, liquid waste as defined in Rule .0532 of this Subchapter, and regulated medical waste are prohibited from disposal at a solid waste disposal site. The Division may prohibit a waste stream of a particular type or from a particular source from being accepted at solid waste management facilities or disposed of at a solid waste disposal site if the Division determines that the waste stream contains an emerging contaminant or pathogen that may pose a risk to the environment or public health through the management or disposal of such waste at a particular solid waste management facility. If the Division prohibits such a waste stream, the Division shall notify all affected facilities in writing and shall post a notice on the Division's Solid Waste Section website at <https://deq.nc.gov/about/divisions/waste-management/solid-waste-section> no less than 48 hours prior to the effective date of the prohibition. The notice shall contain the type or source of the prohibited waste stream, the reason for the prohibition, the effective date of the prohibition, and the ending date of the prohibition or a statement that the prohibition shall be in effect until the Division removes the prohibition.

(e) No person shall dispose or cause the disposal of solid waste in or on waters in a manner that results in solid waste's entering waters or being deposited upon lands of the State.

(f) Solid waste disposal sites including sanitary landfills, land clearing and inert debris landfills, and incinerators shall comply with the same requirements as "new solid waste disposal facilities" provided in G.S. 143-215.54(c) in accordance with the effective date of S.L. 2000-150, s. 5.

(g) All solid waste management facilities owned and operated by or on behalf of a local government shall have scales and shall weigh all solid waste when it is received at the facility.

(h) When the Division assesses an administrative penalty for violations of Article 9 of Chapter 130A of the General Statutes and the rules adopted thereunder, the penalty shall be assessed in accordance with G.S. 130A-22 and the following assessment procedures:

- (1) For all violations for which a penalty is assessed, a notice of the assessment shall be sent to the respondent by US Postal Service registered or certified mail, or hand-delivered. The notice shall describe the nature of the violation, state the amount of the penalty and the costs assessed in accordance with G.S. 130A-22(j) ("investigative costs"), state when the penalty and investigative costs are due, state that each day of a continuing violation will constitute a separate violation, and advise the respondent of the right to appeal in accordance with G.S. 150B.
- (2) After the notice has been issued, the respondent may request to settle the penalty assessment and violations through informal procedures as set forth in G.S. 150B-22(a). The Division may reduce the amount of the assessed penalty as a part of a settlement agreement resulting from the informal procedure process.
- (3) The assessed penalty and the investigative costs shall be due and payable within 60 days of receipt of the notice issued in accordance with Subparagraph (1) of this Paragraph.
- (4) The assessment of a penalty does not prevent the Division from also suspending or revoking a permit in accordance with G.S. 130A-23.

History Note: Authority G.S. 130A-294;
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