

## **15A NCAC 13B .0508 SITING AND APPLICATION REQUIREMENTS FOR INCINERATORS**

(a) An incinerator (site) shall meet the following siting requirements:

- (1) Floodplain Restrictions: Any portions of the site property containing the incinerator building and areas where storage or processing of solid waste occurs shall not be located in the 100-year floodplain.
- (2) Cultural Resources Restrictions: A site shall not damage or destroy a property of archaeological or historical significance that has been listed on the National Register of Historic Places or included on the Study List for the Register pursuant to 07 NCAC 04R .0206 and .0300.
- (3) State Nature and Historic Preserve Restrictions: The location, access, size, and operation of the site shall not have an adverse impact on any component included in the State Nature and Historic Preserve pursuant to G.S. 143-260.10.
- (4) Endangered and Threatened Species Restrictions: A site shall not jeopardize the continued existence of endangered or threatened species or result in the destruction or adverse modification of a critical habitat, protected under the Federal Endangered Species Act of 1973, Public Law 93-205, as amended.
- (5) Clean Water Act Requirements: A site or site operations shall:
  - (A) not cause a discharge of pollutants into waters of the United States, including wetlands, that violates any requirements of the Clean Water Act, including the National Pollutant Discharge Elimination System (NPDES) requirements pursuant to Section 402 of the Clean Water Act;
  - (B) comply with Section 404 of the Clean Water Act; and
  - (C) not cause the discharge of a nonpoint source of pollution to waters of the United States, including wetlands, that violates any requirement of an area-wide or Statewide water quality management plan that has been approved under Section 208 or 319 of the Clean Water Act.
- (6) The permit issued by the Division for the site shall state the site-specific buffer requirements for the site. When determining the site-specific buffers, the Division shall include any buffers required by the incinerator permit issued by the Division of Air Quality for the site.

(b) A permit applicant shall submit to the Division one electronic copy of a permit application, which shall contain the plans described in Paragraphs (c) and (d) of this Rule.

(c) Site Plan. An application for a permit for a site shall contain a site plan that includes the following information:

- (1) an aerial photograph, representative of existing conditions, at a scale of at least one inch equals 400 feet, showing the area within one quarter mile of the proposed site's boundaries with the following identified:
  - (A) property lines of the entire property where the site will be located;
  - (B) existing land use and zoning;
  - (C) location of all private residences, commercial and industrial buildings, public or private utilities, roads, and schools;
  - (D) on-site easements;
  - (E) location of potable wells and public water supplies;
  - (F) historic sites described in Subparagraph (a)(2) of this Rule;
  - (G) State nature and historic preserves described in Subparagraph (a)(3) of this Rule;
  - (H) the existing topography and features of the site, including general surface water drainage patterns and watersheds, 100-year floodplains, perennial and intermittent streams, rivers, and lakes; and
  - (I) the classification of the surface water drainage from the site in accordance with 15A NCAC 02B .0300;
- (2) a letter from the unit of government having zoning jurisdiction over the site that states that the proposed use is allowed within any existing zoning and that any necessary zoning approval or permit has been obtained, and that states the local zoning buffers that apply to the site;
- (3) letters from both the State Historic Preservation Office and the Natural Heritage Program within the Department of Natural and Cultural Resources stating whether the proposed use of the property will impact the historic sites described in Subparagraph (a)(2) of this Rule; State nature and historic preserves described in Subparagraph (a)(3) of this Rule; or the endangered or threatened species described in Subparagraph (a)(4) of this Rule located at the site; and

- (4) a copy of the valid air quality permit for the operation of the incinerator issued by the Department of Environmental Quality, Division of Air Quality in accordance with 15A NCAC 02D.
- (d) Operations Plan. An application for a permit for a site shall contain an operations plan that shall include the following information:
- (1) the type and quantity of wastes that will be accepted, including the anticipated sources of the wastes accepted, and the intended destination of materials and ash removed from the site;
  - (2) the procedures for receiving, storing, incineration, and removal of waste and ash, including the anticipated storage and incineration times;
  - (3) the hours of operation and staffing;
  - (4) methods for daily cleanup;
  - (5) record-keeping procedures;
  - (6) a description of how the site will comply with the operational and closure requirements of Rule .0509 of this Section;
  - (7) a contingency plan that shall address planned operations in the event of loss of power, loss of communications, storm surges, scale malfunctions, and scale software malfunctions; in the event that the disposal site, haul route, or transfer equipment is not available; or during conditions exceeding design parameters. The owner or operator of the site shall provide back-up equipment, and contact information to obtain the equipment, and plans to by-pass the site in case of equipment breakdown. The contingency plan shall be kept updated on-site and shall include site specific emergency procedures and contact information in case of emergencies;
  - (8) additional information that the Division may request in writing pertaining to the site operations if it is necessary to determine compliance with the rules of this Subchapter; and
  - (9) in addition to the information required in this Paragraph, incinerators that are permitted by the Division to accept medical waste shall also include the information required by Rule .1204(b)(4) of this Subchapter in the operations plan.
- (e) The Division shall review all permit applications in accordance with Rule .0203 of this Subchapter.
- (f) Plans and documents submitted in the permit application in accordance with this Rule shall be incorporated into the permit and the site shall comply with the permit in accordance with Rule .0203(d) of this Subchapter.
- (g) Permits issued by the Division for incinerators shall be valid for five years, and shall be subject to the permit fees set forth in G.S. 130A-295.8.
- (h) Sites that received a permit from the Division prior to the readopted effective date of this Rule shall comply with the rules of this Section with the following exceptions:
- (1) buildings, structures, and waste handling areas constructed prior to the readopted effective date of this Rule shall not be required to comply with Paragraph (a) of this Rule for the permitted operational boundary existing on the readopted effective date of this Rule, or any replacements or modifications within that existing permitted operational boundary; and
  - (2) if a building, structure, or waste handling area was constructed prior to the readopted effective date of this Rule, and is expanded beyond the existing permitted operational boundary after the readopted effective date of this Rule, the permitted operational boundary that was existing on the readopted effective date of this Rule shall not be required to comply with Paragraph (a) of this Rule, but the expansion areas shall comply with these requirements.
- (i) Site buildings, structures, and waste handling areas that are exempt from the requirements of Paragraph (a) of this Rule shall continue to comply with any siting and buffer requirements stated in their permit issued prior to the readoption date of this Rule.

*History Note:* Authority G.S. 130A-294;  
Eff. April 1, 1982;  
Amended Eff. February 1, 1991; September 1, 1990;  
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