

### **15A NCAC 13B .0534 GENERAL REQUIREMENTS FOR C&DLF FACILITIES AND UNITS**

(a) Applicability. Permits issued by the Division for C&DLF 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 Plan. Permits issued after December 31, 2006 must incorporate a Division approved plan.
  - (A) The scope of the Division approved plan must include the information necessary to comply with the requirements set forth in Rule .0535 of this Section.
  - (B) The Division approved plans must be subject to and may be limited by the conditions of the permit.
  - (C) The Division approved plans for a new facility must be described in the permit and must include the Facility Plan, Rule .0537 of this Section, Engineering Plan, Rule .0539 of this Section, Construction Quality Assurance plan, Rule .0541 of this Section, Operation Plan, Rule .0542 of this Section, Closure and Post-Closure plan, Rule .0543 of this Section, and Monitoring Plans, Rule .0544 of this Section.
- (2) Permit provisions. All C&DLF facilities and units must conform to the specific conditions set forth in the permit and the following general provisions.
  - (A) Duty to Comply. The permittee must comply with all conditions of the permit, unless otherwise authorized by the Division. Any permit noncompliance, except as otherwise authorized by the Division, constitutes a violation of the Act and is grounds for enforcement action or for permit revocation, modification or suspension.
  - (B) Duty to Mitigate. In the event of noncompliance with the permit, the permittee must take all reasonable steps to minimize releases to the environment, and must carry out such measures as are reasonable to prevent adverse impacts on human health or the environment.
  - (C) Duty to Provide Information. The permittee must furnish to the Division any relevant information that the Division may request to determine whether cause exists for modifying, revoking or suspending the permit, or to determine compliance with the permit. The permittee must also furnish to the Division, upon request, copies of records required to be kept under the conditions of the permit.
  - (D) Recordation Procedures. The permittee must comply with the requirements of Rule .0204 of this Subchapter RECORDATION OF LAND DISPOSAL PERMITS in order 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 in order to maintain compliance with the conditions of the permit.
  - (F) Permit Actions. The 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. The permit is not transferable.
  - (H) Construction. If construction is not commenced within 18 months from the issuance date of the permit to construct, or an amendment or substantial amendment to the permit, then the permit shall expire. The applicant may re-apply for the permit, which shall be subject to statutes and rules in effect on the date of the re-application.
  - (I) Proper Operation and Maintenance. The permittee must at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve 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. 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 and Entry. The permittee must allow the Division or an authorized representative to enter the permittee's premises where a regulated unit(s) or activity is located or conducted,

or where records are kept under the conditions of the permit. The Division or its authorized representative shall have access in order to copy any records required to be kept under the conditions of the permit. The permittee must allow the Division or its authorized representative to inspect any facilities, equipment (including monitoring and control equipment), practices or operations regulated by the Division. For the purposes of assuring permit compliance or as otherwise authorized by the Act, the permittee must allow the Division or its authorized representative to sample or monitor, at any location under the operation or control of the permittee, the following: any materials, substances, parameters, soil, groundwater, surface water, gases or ambient air. The permittee must allow the Division or its authorized representative to take photographs for the purpose of documenting items of compliance or noncompliance at permitted facilities, or where appropriate to protect legitimate proprietary interests, require the permittee to take such photographs for the Division.

- (K) Waste Exclusions. Waste to be excluded from disposal in a C&DLF is listed in Rule .0542 of this Section. Permit conditions may include additional exclusions as they become necessary in order to protect the public health and the environment or to ensure proper landfill operation.
- (L) Additional Solid Waste Management Activities. Construction and operation of additional solid waste management activities at the landfill facility must not impede operation or monitoring of the C&DLF unit(s). Any proposed additional activities must be submitted to the Division for review, approval, and permitting, as applicable, before construction and operation.

*History Note:* Authority G.S. 130A-294;  
Eff. January 1, 2007.