15A NCAC 13B .0542 OPERATION PLAN AND REQUIREMENTS FOR C&DLF FACILITIES

(a) The owner or operator of a C&DLF unit must maintain and operate the facility in accordance with the operation plan prepared in accordance with this Rule. The operation plan must be submitted in accordance with Rule .0535 of this Section. Each phase of operation must be defined by an area which contains approximately five years of disposal capacity.

(b) Operation Plan. The owner or operator of a C&DLF unit must prepare an operation plan for each phase of landfill development. The plan must include drawings and a report defining the information as identified in this Rule.

(1) Operation drawings. Drawings must be prepared for each phase of landfill development. The drawings must be consistent with the engineering plan and prepared in a format which is useable for the landfill operator. The operation drawings must illustrate the following:

(A) existing conditions including the known limits of existing disposal areas;

(B) progression of operation including initial waste placement, daily operations, yearly contour transitions, and final contours;

(C) stormwater controls for active and inactive subcells, if required;

(D) special waste handling areas, such as asbestos disposal area, within the C&DLF unit;

(E) buffer zones, noting restricted use;

(F) stockpile and borrow operations; and

(G) other solid waste activities, such as tire disposal or storage, yard waste storage, white goods storage, recycling pads, etc.

(2) Operation Plan Description. The owner and operator of any C&DLF unit must maintain and operate the unit in accordance with the operation plan as described in Paragraphs (c) through (l) of this Rule.

(c) Waste Acceptance and Disposal Requirements.

(1) A C&DLF must accept only those solid wastes it is permitted to receive. The landfill owner or operator must notify the Division within 24 hours of attempted disposal of any waste the C&DLF is not permitted to receive, including waste from outside the area the landfill is permitted to serve.

(2) Asbestos waste must be managed in accordance with 40 CFR 61, which is hereby incorporated by reference including any subsequent amendments and additions. Copies of 40 CFR 61 are available for inspection at the Department of Environment and Natural Resources, Division of Waste Management. The regulated asbestos waste must be covered immediately with soil in a manner that will not cause airborne conditions and must be disposed of separate and apart from other solid wastes, as shown on Operation drawings:

(A) in a defined isolated area within the footprint of the landfill, or

(B) in an area not contiguous with other disposal areas. Separate areas must be designated so that asbestos is not exposed by future land-disturbing activities.

(d) Wastewater treatment sludge must not be accepted for disposal. Wastewater treatment sludge may be accepted, with the approval of the Division, for utilization as a soil conditioner and incorporated into or applied onto the vegetative growth layer. The wastewater treatment sludge must neither be applied at greater than agronomic rates nor to a depth greater than six inches.

(e) Waste Exclusions. The following wastes must not be disposed of in a C&DLF unit:

(1) Containers such as tubes, drums, barrels, tanks, cans, and bottles unless they are empty and perforated to ensure that no liquid, hazardous or municipal solid waste is contained therein,

(2) Garbage as defined in G.S. 130A-290(a)(7),

(3) Hazardous waste as defined in G.S. 130A-290(a)(8), to also include hazardous waste from conditionally exempt small quantity generators,

(4) Industrial solid waste unless a demonstration has been made and approved by the Division that the landfill meets the requirements of Rule .0503(2)(d)(ii)(A),

(5) Liquid wastes,

(6) Medical waste as defined in G.S. 130A-290(a)(18),

(7) Municipal solid waste as defined in G.S. 130A-290(a)(18a),

(8) Polychlorinated biphenyls (PCB) wastes as defined in 40 CFR 761,

(9) Radioactive waste as defined in G.S. 104E-5(14),

(10) Septage as defined in G.S. 130A-290(a)(32),

(11) Sludge as defined in G.S. 130A-290(a)(34),

(12) Special wastes as defined in G.S. 130A-290(a)(40),

(13) White goods as defined in G.S. 130A-290(a)(44), and

(14) Yard trash as defined in G.S. 130A-290(a)(45),

(15) The following wastes cannot be received if separate from C&DLF waste: lamps or bulbs including but not limited to halogen, incandescent, neon or fluorescent; lighting ballast or fixtures; thermostats and light switches; batteries including but not limited to those from exit and emergency lights and smoke detectors; lead pipes; lead roof flashing; transformers; capacitors; and copper chrome arsenate (CCA) and creosote treated woods.

(16) Waste accepted for disposal in a C&DLF unit must be readily identifiable as C&D waste and must not have been shredded, pulverized, or processed to such an extent that the composition of the original waste cannot be readily ascertained except as specified in Subparagraph (17) of this Paragraph.

(17) C&D waste that has been shredded, pulverized or otherwise processed may be accepted for disposal from a facility that has received a permit from an authorized regulatory authority which specifies such activities are inspected by the authority, and whose primary purpose is recycling and reuse of the C&D material. A waste screening plan and waste acceptance plan must be made available to the Division upon request.

(18) The owner or operator of a C&DLF must not knowingly dispose any type or form of C&D waste that is generated within the boundaries of a unit of local government that by ordinance:

(A) Prohibits generators or collectors of C&D waste from disposing that type or form of C&D waste.

(B) Requires generators or collectors of C&D waste to recycle that type or form of C&D waste.

(f) Cover material requirements.

(1) Except as provided in Subparagraph (3) of this Paragraph, the owners and operators of all C&DLF units must cover the solid waste with six inches of earthen material when the waste disposal area exceeds one-half acre and at least once weekly. Cover must be placed at more frequent intervals if necessary to control disease vectors, fires, odors, blowing litter, and scavenging. A notation of the date and time of the cover placement must be recorded in the operating record as specified in Paragraph (n) of this Rule.

(2) Except as provided in Subparagraph (3) of this Paragraph, areas which will not have additional wastes placed on them for three months or more, but where final termination of disposal operations has not occurred, must be covered and stabilized with vegetative ground cover or other stabilizing material.

(3) Alternative materials or an alternative thickness of cover may be approved by the Division if the owner or operator demonstrates that the alternative material or thickness controls disease vectors, fires, odors, blowing litter, and scavenging without presenting a threat to human health and the environment. A C&DLF owner or operator may apply for approval of an alternative cover material. If approval is given by the Division, approval would extend to all C&DLF units at one specific facility.

(g) Spreading and Compacting requirements.

(1) C&DLF units must restrict solid waste into the smallest area feasible.

(2) Solid waste must be compacted as densely as practical into cells.

(3) Appropriate methods such as fencing and diking must be provided within the area to confine solid waste which is subject to be blown by the wind. At the conclusion of each operating day, all windblown material resulting from the operation must be collected and disposed of by the owner and operator.

(h) Disease vector control. Owners and operators of all C&DLF units must prevent or control on-site populations of disease vectors using techniques appropriate for the protection of human health and the environment. For purposes of this item, "disease vectors" means any rodents, flies, mosquitoes, or other animals or insects, capable of transmitting disease to humans.

(i) Air Criteria and Fire Control.

(1) Owners and operators of all C&DLF units must ensure that the units do not violate any applicable requirements developed under a State Implementation Plan (SIP) approved or promulgated by the U.S. EPA Administrator pursuant to Section 110 of the Clean Air Act, as amended.

(2) Open burning of solid waste, except for the approved burning of land clearing debris generated on-site or debris from emergency clean-up operations, is prohibited at all C&DLF facilities. Prior to any burning a request must be sent to the Division for review. The Division will determine the burning to be approved if it is one of the two types of burning as referenced in this Subparagraph. A notation of the date of approval and the name of the Division personnel who approved the burning must be included in the operating record.

(3) Equipment must be provided to control accidental fires and arrangements must be made with the local fire protection agency to immediately provide fire-fighting services when needed.

(4) Fires and explosions that occur at a C&DLF require verbal notice to the Division within 24 hours and written notification within 15 days. Written notification must include the suspected cause of fire or explosion, the response taken to manage the incident, and the action(s) to be taken to prevent the future occurrence of fire or explosion.

(j) Access and safety requirements.

(1) The C&DLF must be adequately secured by means of gates, chains, berms, fences and other security measures approved by the Division to prevent unauthorized entry.

(2) In accordance with G.S. 130A-309.25, an individual trained in landfill operations must be on duty at the site while the facility is open for public use and at all times during active waste management operations to ensure compliance with operational requirements.

(3) The access road to the site and access roads to monitoring locations must be of all-weather construction and maintained in good condition.

(4) Dust control measures must be implemented.

(5) Signs providing information on disposal procedures, the hours during which the site is open for public use, the permit number and other pertinent information specified in the permit conditions must be posted at the site entrance.

(6) Signs must be posted which at a minimum list liquid, hazardous and municipal solid waste as being excluded from the C&DLF unit.

(7) Traffic signs or markers must be provided as necessary to promote an orderly traffic pattern to and from the discharge area and to maintain efficient operating conditions.

(8) The removal of solid waste from a C&DLF is prohibited unless the unit has included in its operational plan a recycling program which has been approved by the Division. The general public is prohibited from removal activities on the working face.

(k) Erosion and sedimentation control requirements.

(1) Adequate sediment control measures consisting of vegetative cover, materials, structures or devices must be utilized to prevent sediment from leaving the C&DLF facility.

(2) Adequate sediment control measures consisting of vegetative cover, materials, structures or devices must be utilized to prevent excessive on-site erosion of the C&DLF facility or unit.

(3) Provisions for a vegetative ground cover sufficient to restrain erosion must be accomplished as directed by appropriate state or local agency upon completion of any phase of C&DLF development consistent with Rule .0543(c)(5) of this Section.

(l) Drainage control and water protection requirements.

(1) Surface water must be diverted from the operational area.

(2) Surface water must not be impounded over or in waste.

(3) Solid waste must not be disposed of in water.

(4) Leachate must be contained on-site or treated prior to discharge. An NPDES permit may be required prior to the discharge of leachate to surface waters.

(5) C&DLF units must not:

(A) 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.

(B) 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 State-wide water quality management plan that has been approved under Section 208 or 319 of the Clean Water Act, as amended.

(m) Survey for Compliance. Within 60 days of the permittee's receipt of the Division's written request, the permittee must cause to be conducted a survey of active or closed portions of unit or units at the facility in order to determine whether operations are being conducted in accordance with the approved design and operational plans. The permittee must report the results of such survey, including a map produced by the survey, to the Division within 90 days of receipt of the Division's request.

(1) A survey shall be required by the Division:

(A) If there is reason to believe that operations are being conducted in a manner that deviates from the plan listed in the effective permit, or

(B) As a verification that operations are being conducted in accordance with the plan listed in the effective permit.

(2) Any survey performed pursuant to this Paragraph must be performed by a registered land surveyor duly authorized under North Carolina law to conduct such activities.

(n) Operating Record and Recordkeeping requirements.

(1) The owner and operator of a C&DLF unit must record and retain at the facility, or in an alternative location near the facility, the following information:

(A) records of random waste inspections, monitoring results, certifications of training, and training procedures required by Rule .0544 of this Section;

(B) amounts by weight of solid waste received at the facility to include, consistent with G.S. 130A-309.09D, county of generation;

(C) any demonstration, certification, finding, monitoring, testing, or analytical data required by Rules .0544 through .0545 of this Section;

(D) any closure or post-closure monitoring, testing, or analytical data as required by Rule .0543 of this Section;

(E) any cost estimates and financial assurance documentation required by Rule .0546 of this Section;

(F) notation of date and time of placement of cover material; and

(G) all audit records, compliance records and inspection reports.

(2) All information contained in the operating record must be furnished to the Division according to the permit or upon request, or be made available for inspection by the Division.

(3) The operating record must also include:

(A) A copy of the approved operation plan required by this Rule and the engineering plan required by Rule .0539 of this Section;

(B) A copy of the current Permit to Construct and Permit to Operate; and

(C) The Monitoring Plan, in accordance with Rule .0544 of this Section, included as appendices to the Operation Plan.

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