

15A NCAC 13B .0563 APPLICABILITY REQ. FOR LAND CLEARING/INERT DEBRIS (LCID) LANDFILLS

Management of land clearing and inert debris shall be in accordance with the State hierarchy for managing solid waste as provided for under G.S. 130A-309.04(a). Disposal in a landfill is considered to be the least desirable method of managing land clearing and inert debris. Where landfilling is necessary, the requirements of this Rule apply.

- (1) An individual permit from the Division of Solid Waste Management is not required for Land Clearing and Inert Debris (LCID) landfills that meet all of the following conditions:
 - (a) The facility is to be operated for the disposal of land clearing waste, inert debris, untreated wood, and yard trash. Operations must be consistent and in compliance with the local government solid waste management plan as approved by the Division of Solid Waste Management.
 - (b) The total disposal area is under two acres in size.
 - (c) The facility and practices comply with the siting criteria under Rule .0564, and operational requirements under Rule .0566.
 - (d) The fill activity is not exempt from, and must comply with all other Federal, State, or Local laws, ordinances, Rules, regulations, or orders, including but not limited to zoning restrictions, flood plain restrictions, wetland restrictions, sedimentation and erosion control requirements, and mining regulations.
- (2) Where an individual permit is not required, the following applies:
 - (a) The owner of the land where the landfill is located must notify the Division on a prescribed form, duly signed, notarized, and recorded as per Sub-item (2)(b) of this Rule. The operator of the landfill, if different from the land owner, shall also sign the notification form.
 - (b) The owner must file the prescribed notification form for recordation in the Register of Deeds' Office. The Register of Deeds shall index the notification in the grantor index under the name of the owner of the land in the county or counties in which the land is located. A copy of the recorded notification, affixed with the Register's seal and the date, book and page number of recording shall be sent to the Division of Solid Waste Management.
 - (c) When the land on which the Land Clearing and Inert Debris Landfill is sold, leased, conveyed, or transferred in any manner, the deed or other instrument of transfer shall contain in the description section in no smaller type than that used in the body of the deed or instrument a statement that the property has been used as a Land Clearing and Inert Debris Landfill and a reference by book and page to the recordation of the notification.
- (3) An individual permit is required, except for landfills subject to Item (5) of this Rule, for the construction and operation of a Land Clearing and Inert Debris (LCID) landfill when:
 - (a) The facility is to be operated for the disposal of land clearing waste, inert debris, untreated wood, and yard trash. Operations must be consistent and in compliance with the local government solid waste management plan as approved by the Division of Solid Waste Management, and
 - (b) The total disposal area is greater than two acres in size.
- (4) Individual permits for land clearing and inert debris landfills shall be issued for not more than five years.
- (5) Landfilling of land clearing and inert debris generated solely from, and within the right of way of, North Carolina Department of Transportation projects shall be subject to the following:
 - (a) Only waste types as described in Sub-item (1)(a) of this Rule may be disposed of within the Department of Transportation right of way.
 - (b) Waste is landfilled within the project right of way from which it was generated.
 - (c) The disposal area shall not exceed two contiguous acres in size.
 - (d) Disposal sites shall comply with the siting requirements of Rule .0564 of this Section except for Item (10).
 - (e) Disposal sites are not subject to the requirements of Item (2) of this Rule and Rule .0204 of this Subchapter.
- (6) Landfills that are currently permitted as demolition landfills are required to comply with the following:

- (a) Only waste types as described in Sub-item (3)(a) of this Rule may be accepted for disposal, as of the effective date of this Rule unless otherwise specified in the existing permit.
- (b) Operations must be in compliance with Rule .0566 of this Section as of the effective date of this Rule.
- (c) Existing demolition landfills must comply with the siting criteria requirements of these Rules as of January 1, 1998 or cease operations and close in accordance with these Rules.

History Note: Authority G.S. 130A-294; 130A-301;
Eff. January 4, 1993.