

SECTION .1600 - REQUIREMENTS FOR MUNICIPAL SOLID WASTE LANDFILL FACILITIES (MSWLFs)

15A NCAC 13B .1601 PURPOSE, SCOPE, AND APPLICABILITY

(a) Purpose. The purpose of this Section is to regulate the siting, design, construction, operation, closure and post-closure of all municipal solid waste landfill facilities, MSWLFs.

(b) Scope. This Section describes the performance standards, application requirements, and permitting procedures for all municipal solid waste landfill facilities. The requirements of this Section are intended to:

- (1) Establish the State standards for MSWLFs to provide for effective disposal practices and protect the public health and environment.
- (2) Coordinate other State Rules applicable to landfills.
- (3) Facilitate the transition for existing landfill facilities which continue to operate MSWLF units.

(c) Applicability. Owners and operators of new and existing landfill facilities including a MSWLF unit(s) shall conform to the requirements of this Section as follows:

- (1) Municipal solid waste landfill units which did not receive solid waste after October 9, 1991 shall comply with the Solid Waste Permit, the Conditions of Permit, and Rule .0510.
- (2) MSWLF units that received solid waste after October 9, 1991 but stopped receiving waste before October 9, 1993 shall comply with the Solid Waste Permit, the Conditions of Permit, and Rule .0510. The cap system shall be installed by October 9, 1994 and shall meet the criteria set forth in Subparagraph (c)(1) of Rule .1627 of this Section. Owners or operators of MSWLF units that fail to complete cover installation by this date will be subject to all of the requirements applicable to existing MSWLFs.
- (3) Effective dates.
 - (A) All MSWLF units that receive waste on or after October 9, 1993, except those units that qualify for an exemption as specified in Part (c)(3)(B) of this Rule shall comply with the requirements of this Section.
 - (B) A MSWLF unit that meets the conditions in Subparts (i) through (vi) of this Subparagraph is exempt from the requirements of Section .1600 other than Rule .1627. This exemption shall not be effective unless the amendment to the federal rule 40 CFR Part 258.1 (e)(1) and (2) extending the effective dates is published in the Federal Register as a final rule.
 - (i) The MSWLF unit disposed of 100 tons per day or less of solid waste between October 9, 1991 and October 9, 1992.
 - (ii) The MSWLF unit does not dispose of more than an average of 100 TPD of solid waste each month between October 9, 1993 and April 9, 1994.
 - (iii) The MSWLF unit is not on the National Priorities List (NPL) as found in Appendix B to 40 CFR Part 300, which is hereby incorporated by reference including any subsequent amendments and editions. Copies of this material are available for inspection and may be obtained at the Department of Environment, Health, and Natural Resources, Division of Solid Waste Management, 401 Oberlin Road, Raleigh, N.C. at no cost.
 - (iv) The MSWLF unit owner and operator shall notify the Division by November 1, 1993, that they shall stop receiving waste at their MSWLF unit before April 9, 1994. Notification to the Division shall include a statement of compliance with all conditions specified in Part (c)(3)(B) of this Rule.
 - (I) If the MSWLF unit is owned or operated by a unit of local government, notification shall be in the form of a Resolution adopted by the Governing Board.
 - (II) If the MSWLF unit is privately owned or operated, the notification shall be executed by the owner and operator or in the case of a corporation, by a corporate officer with legal authority to bind the corporation. All signatures shall be properly attested and notarized.
 - (v) Waste received at the MSWLF unit shall cease prior to April 9, 1994.
 - (vi) MSWLF units which meet all conditions of exemption required within Subparagraph (c)(3) of this Rule shall complete installation of the cap system in accordance with Subparagraph (c)(1) of Rule .1627 of this Section by October 9, 1994.
- (4) MSWLF units failing to satisfy the requirements of this Section constitute open dumps, which are prohibited under Section 4005 of RCRA. Closure of open dumps that receive household waste shall meet the requirements of this Section.

(d) The owner or operator of a MSWLF facility shall comply with any other applicable Federal and State laws, rules, regulations, or other requirements.

*History Note: Filed as a Temporary Amendment Eff. October 9, 1993, for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;
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