

15A NCAC 13B .1618 SITE STUDY FOR MSWLF FACILITIES

(a) Purpose. As required under Rule .1617 of this Section, the owner and operator shall prepare a site study which meets the requirements of this Rule. The Division shall review the site study for a proposed new facility prior to consideration of an application for a permit to construct. Following review of the site study, the Division shall notify the applicant that either:

- (1) The site is suitable and the applicant is authorized to prepare an application for a permit to construct in accordance with Rule .1617 and the General Site Conditions and Design Requirements prescribed by the Division; or
- (2) The site is deemed unsuitable for establishing a MSWLF unit and shall specify the reasons which would prevent the MSWLF facility from being operated in accordance with G.S. 130A, Article 9, this Subchapter, and the Federal Act.

(b) Scope. The site is the land which is proposed for the landfill facility. The site study presents a characterization of the land, incorporating various investigations and requirements pertinent to suitability of a MSWLF facility. The scope of the site study includes criteria associated with the public health and welfare, and the environment. The economic feasibility of a proposed site is not within the scope of this study and instead, should be evaluated by the owner or operator prior to submitting a permit application to the Division. The information in the site study shall accurately represent site characteristics and must be prepared by qualified environmental professionals. A qualified environmental professional is a person who has received a baccalaureate or post-graduate degree from a university and has sufficient training and experience in or related to the field of study requiring investigation that enables that person to make sound professional judgements.

(c) The site study prepared for a MSWLF facility shall include the information required by this Paragraph unless as noted in Paragraphs (d) and (e) of this Rule.

- (1) Regional characterization study. The regional study area includes the landfill facility and a two mile perimeter measured from the proposed boundary of the landfill facility. The study shall include a report and a regional map identifying the following:
 - (A) General topography and features as illustrated on the most recent U.S.G.S. Topographic map, 7.5 Minute Series, horizontal scale of at least one inch equals 2000 feet;
 - (B) Proposed landfill facility location;
 - (C) Public water supply wells, surface water intakes, and service areas;
 - (D) Residential subdivisions;
 - (E) Waste transportation routes; and
 - (F) Public use airports and runways.
- (2) Local characterization study. The local study area includes the landfill facility and a 2000 foot perimeter measured from the proposed boundary of the landfill facility. The study shall include an aerial photograph taken within one year of the original submittal date, a report, and a local map. The map and photograph shall be at a scale of at least one inch equals 400 feet. The study must identify the following:
 - (A) The entire property proposed for the disposal site and any on-site easements;
 - (B) Existing land use and zoning;
 - (C) The location of private residences and schools;
 - (D) The location of commercial and industrial buildings, and other potential sources of contamination;
 - (E) The location of potable wells and available documentation regarding well completion and production rate;
 - (F) Historic sites; and
 - (G) The existing topography and features of the disposal site including: general surface water drainage patterns and watersheds, 100-year floodplains, perennial and intermittent streams, rivers, and lakes.
- (3) Site Hydrogeologic Report. The study shall be prepared in accordance with the requirements set forth in Rule .1623 (a) of this Section.
- (4) Location Restrictions. A report shall be prepared demonstrating compliance with the criteria in Rule .1622; the report shall incorporate the proposed facility plan and if applicable, discuss planned compliance with design and construction standards referenced in Rule .1622 (2)(a), (3)(a)(iii), (4)(a), (5)(a), and (6)(a) of this Section.
- (5) Local government approvals for municipal solid waste landfills.
 - (A) If the proposed municipal solid waste landfill site is located within an incorporated city or town, or within the extraterritorial jurisdiction of an incorporated city or town, the approval of the governing board of the city or town shall be required. Otherwise, the approval of the Board of Commissioners having authority in the county which the site is located shall be required.

Approval may be in the form of either a resolution or a vote on a motion. A copy of the resolution, or the minutes of the meeting where the vote was taken shall be submitted to the Division as part of the site study.

- (i) Prior to approval, the jurisdictional local government where the landfill is to be located shall hold at least one public meeting to inform the community of the proposed waste management activities as described in the proposed facility plan prepared in accordance with Subparagraph (6) of this Paragraph.
 - (ii) For purposes of this Subpart, public notice shall include: a legal advertisement placed in a newspaper or newspapers serving the county; and provision of a news release to at least one newspaper, one radio station, and one TV station serving the county. Public notice shall include time, place, and purpose of the meetings required by this Subpart.
 - (iii) The local government where the landfill is to be located shall provide a public notice of the meeting at least 30 days prior to the meeting. Public notice shall be documented in the site study. A tape recording or a written transcript of the meeting, all written material submitted representing community concerns, and all other relevant written material distributed or used at the meeting shall be submitted as part of the site study.
 - (iv) The complete permit application, written transcripts of all public meetings and any additional material submitted or used at the meetings, and any additions or corrections to the applications, including any responses to notices of deficiencies shall be submitted to the closest local library in the county of the proposed site, with the request that the information be made available to the public until the permit decision is concluded.
- (B) A letter from the unit of local government having zoning jurisdiction over the site which states that the proposal meets all the requirements of the local zoning ordinance, or that the site is not zoned shall be submitted to the Division as part of the site study.
 - (C) A letter from the unit of local government responsible for the implementation of a comprehensive solid waste management plan approved by the Division [in accordance with G.S. 130A-309.04(e)] setting forth a determination that the operation of the proposed municipal solid waste landfill is consistent with the approved solid waste management plan shall be submitted with the site study.
- (6) Proposed Facility Plan. A conceptual plan for the development of the facility including drawings and a report must be prepared which incorporates the summary findings of the geologic and hydrogeologic report as set forth in Subparagraph (a)(13) of Rule .1623 and includes the drawings and reports described in Rule .1619 (d)(1), (d)(2), (e)(1), (e)(2), (e)(3), and (e)(5).
- (d) An existing facility proposed for designation as a new facility is exempt from the requirements of Subparagraph (c)(5) of this Rule if the site study meets the following criteria:
 - (1) The facility boundary delineated in accordance with Subparagraph (c)(6) of this Rule is the same boundary described in the current permit; and
 - (2) The areal limits of the proposed MSWLF unit(s) is within the approved disposal area approved by the current permit.
 - (e) New facility applications in transition. Site plan applications for a new facility submitted in accordance with Rule .0504 (1) of this Section after January 15, 1992 and prior to April 9, 1993 and approved by the Division consistent with Subparagraph (a)(1) of this Rule are not subject to the requirements of this Rule.

*History Note: Authority G.S. 130A-294;
Eff. October 9, 1993.*