

**15A NCAC 13B .1703 NOTIFICATION FOR STRUCTURAL FILL FACILITIES**

(a) A minimum of 30 days before using coal combustion by-products in structural fill projects, the person proposing the use shall submit a written notice to the Division. The notice shall contain, at a minimum:

- (1) A description of the nature, purpose and location of the project, including the name of the United States Geological Survey seven and one-half minute map on which the project is located and a Department of Transportation map or an eight and one-half by 11 inch topographic map showing the project.
- (2) The estimated start and completion dates for the project.
- (3) An estimate of the volume of coal combustion by-products to be used for the project.
- (4) A Toxicity Characteristic Leaching Procedure (TCLP) analysis from a representative sample of each different coal combustion by-product source to be used in the project. The TCLP analysis shall be conducted and certified by the generator to be representative of each coal combustion by-product source used in the project. A TCLP analysis shall be conducted at least annually. A minimum analysis shall include: arsenic, barium, cadmium, lead, chromium, mercury, selenium and silver.
- (5) A signed and dated statement by the owner(s) of the land on which the structural fill is to be placed, acknowledging and consenting to the use of coal combustion by-products as structural fill and agreeing to record the fill in accordance with Rule .1707 of this Section.
- (6) The notification shall include:
  - (A) Name of coal combustion by-products generator;
  - (B) Physical location of the generating facility;
  - (C) Address of generator;
  - (D) Name of contact for generator;
  - (E) Telephone number of generator; and
  - (F) Changes that occur will require subsequent notification of the Division of Solid Waste Management.

(b) In addition to the notification requirements under Paragraph (a) of this Rule, at least 30 days before using coal combustion by-products as a structural fill in projects with a volume of more than 10,000 cubic yards, the person proposing the use shall submit a written notice to the Division containing construction plans for the structural fill facility, including a stability analysis when necessary, which shall be prepared, signed and sealed by a registered professional engineer in accordance with sound engineering practices. The Department of Transportation is not required to submit construction plans with the written notice. The Department of Transportation shall maintain a complete set of construction plans and shall notify the Division where the construction plans are located.

*History Note: Authority G.S. 130A-294;  
Eff. January 4, 1994.*