

**15A NCAC 13B .1704 SITING FOR STRUCTURAL FILL FACILITIES**

- (a) Coal combustion by-products used as a structural fill shall not be placed:
- (1) Within 50 horizontal feet of a jurisdictional wetland unless after consideration of the chemical and physical impact on the wetland, the U.S. Corps of Engineers issues a permit or waiver for the fill;
  - (2) Within 50 horizontal feet of the top of the bank of a perennial stream or other surface water body;
  - (3) Within two feet of the seasonal high ground-water table;
  - (4) Within 100 horizontal feet of any source of drinking water, such as a well, spring or other groundwater source of drinking water;
  - (5) Within an area subject to a one-hundred year flood, unless it can be demonstrated to the Division that the facility will be protected from inundation, and washout, and the flow of water is not restricted and the storage volume of the flood plain will not be significantly reduced;
  - (6) Within 25 feet of any property boundary; and
  - (7) Within 25 feet of a bedrock outcrop.
- (b) The Division and the Department of Transportation may agree on specific structural fill siting criteria that may be used on Department of Transportation projects.

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