

**15A NCAC 13B .1705 DESIGN, CONSTRUCTION, AND OPERATION FOR STRUCTURAL FILL FACILITIES**

- (a) The structural fill facility must be designed, constructed, operated, closed, and maintained in such a manner as to minimize the potential for harmful release of constituents of coal combustion by-products to the environment or create a nuisance to the public.
- (b) Coal combustion by-products shall be collected and transported in a manner that will prevent nuisances and hazards to public health and safety. Coal combustion by-products shall be moisture conditioned, as necessary, and transported in covered trucks to prevent dusting.
- (c) Coal combustion by-products shall be placed uniformly and compacted in lifts not exceeding one foot in thickness and shall be compacted to standards, including in-situ density, compaction effort and relative density, specified by a registered professional engineer for a specific end use purpose.
- (d) Equipment shall be provided which is capable of placing and compacting the coal combustion by-products and handling the earthwork required during the periods that coal combustion by-products are received at the fill area.
- (e) The coal combustion by-product structural fill facility shall be effectively maintained and operated as a non-discharge system to prevent discharge to surface water resulting from the operation of the facility.
- (f) The coal combustion by-product structural fill facility shall be effectively maintained and operated to ensure no violations of ground water standards, 15A NCAC 2L.
- (g) Surface waters resulting from precipitation shall be diverted away from the active coal combustion by-product placement area during filling and construction activity.
- (h) Site development shall comply with the North Carolina Sedimentation Pollution Control Act of 1973, as amended.
- (i) The structural fill project must be operated with sufficient dust control measures to minimize airborne emissions and to prevent dust from creating a nuisance or safety hazard and must not violate applicable air quality regulations.
- (j) All structural fills shall be covered with a minimum of 12 inches compacted earth, and an additional surface six inches of soil capable of supporting native plant growth.
- (k) Compliance with these standards does not insulate any of the owners or operators from claims for damages to surface waters, ground-water or air resulting from the operation of the structural fill facility. If the facility fails to comply with the requirements of this Section, the constructor, generator, owner or operator shall notify the Division and shall take such immediate corrective action as may be required by the Department.
- (l) Coal combustion by-products utilized on an exterior slope of a structural fill shall not be placed with a slope greater than 3.0 horizontal to 1.0 vertical.
- (m) The Division and the Department of Transportation may agree on specific design, construction, and operation criteria that may apply to the Department of Transportation projects.

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