

15A NCAC 02T .1109 RESIDUALS MANAGEMENT PRACTICES

(a) Land applied residuals shall meet the following requirements:

- (1) Residuals shall not be land applied under the following conditions:
 - (A) if the requirements specified by 40 CFR 503.14(a) as stated on January 1, 1996, and incorporated by reference have not been met;
 - (B) if the application causes nuisance conditions;
 - (C) if the land fails to assimilate the residuals or the application causes the contravention of surface water or groundwater standards;
 - (D) if the land is flooded, frozen, or snow-covered or is otherwise in a condition such that runoff of the residuals would occur;
 - (E) within the 100-year flood elevation unless the residuals are injected or incorporated within a 24-hour period following the application of residuals to land;
 - (F) during precipitation events or within 24 hours following a rainfall event of 0.5 inches or greater in a 24-hour period;
 - (G) if the slope of the land is greater than 10 percent when liquid residuals are surface applied, and if the slope of the land is greater than 18 percent when liquid residuals are injected or incorporated;
 - (H) if the land does not have an established vegetative cover crop unless the land is a Division-approved no-till site or the residuals are incorporated within a 24-hour period following the injection or application of residuals to land;
 - (I) if the vertical separation of the seasonal high water table and the depth of residuals application is less than one foot;
 - (J) if the vertical separation of the depth to bedrock and the depth of residuals application is less than one foot; or
 - (K) if the application exceeds agronomic rates, except for dedicated sites where the applicant has specifically requested higher rates in an applications pursuant to Rule .1104(d) of this Section.
 - (L) new land application sites located within a WS-I watershed pursuant to 15A NCAC 02B .0212 or within the Critical Area of a WS-II pursuant to Sub-Item (4)(g) of Rule 15A NCAC 02B .0212, or within the Critical Area of a WS-III or WS-IV watershed pursuant to Sub-Item (4)(h) of Rules 15A NCAC 02B .0215, and .0216.
- (2) Class B land application sites shall have the following public access restrictions:
 - (A) public access to public contact sites shall be restricted for one calendar year after any land application of residuals;
 - (B) public access to land that is not a public contact site shall be restricted for 30 days after any land application of residuals; and
 - (C) public access to land associated with a dedicated land application site shall be restricted continuously while the land is permitted for active use and for one calendar year after the final land application of residuals.
- (3) Class B land application sites shall have the following harvesting and grazing restrictions:
 - (A) animals shall not be allowed to graze on land for 30 calendar days after any land application of residuals;
 - (B) food crops, feed crops, and fiber crops shall not be harvested for 30 calendar days after any land application of residuals;
 - (C) food crops with harvested parts that touch the mixture of residuals and soil and are totally above the land surface shall not be harvested for 14 months after any land application of residuals;
 - (D) food crops with harvested parts below the land surface shall not be harvested for 20 months after any land application of residuals if the residuals remain on the land surface for four months or longer prior to incorporation into the soil;
 - (E) food crops with harvested parts below the land surface shall not be harvested for 38 months after any land application of residuals if the residuals remain on the land surface for less than four months prior to incorporation into the soil; and
 - (F) turf grown on land where residuals are applied shall not be harvested for one calendar year after any land application of residuals.

(b) Class A residuals that are sold or given away in a bag or other container for land application shall be exempt from Paragraph (a) of this Rule.

(c) Class A residuals that are sold or given away in a bag or other container for land application, shall either have a label affixed to the bag or other container, or an information sheet shall be provided to the person who receives the residuals. The label or information sheet shall contain the following information:

- (1) the name and address of the person who prepared the residuals;
- (2) a statement that land application of the residuals is prohibited except with the instructions on the label or information sheet; and
- (3) that residuals must be applied at agronomic rates and recommended rates for intended uses.

(d) Surface disposal units shall meet the following requirements:

- (1) New and expanding surface disposal units shall meet the following requirements:
 - (A) Surface disposal units shall not be located in a seismic impact zone unless designed to withstand the maximum recorded horizontal ground level acceleration.
 - (B) Surface disposal units shall not be located less than 60 meters from a fault that has displacement in Holocene time.
 - (C) Surface disposal units shall not be located within a geologically unstable area.
 - (D) Surface disposal units shall not be located within the 100-year floodplain.
 - (E) Surface disposal units shall not restrict base flood flow.
 - (F) The vertical separation of the seasonal high water table and the bottom of surface disposal units shall not be less than three feet.
 - (G) Surface disposal units shall be provided with a liner system with a maximum hydraulic conductivity of 10^{-7} centimeters per second. Units into which cake residuals are to be placed shall be equipped with a leachate collection system. Units into which liquid residuals are to be placed shall be equipped with a decanting system and freeboard marker.
- (2) The following requirements shall be met while surface disposal units are permitted for active use and for three calendar years after closure:
 - (A) The requirements specified by 40 CFR 503.24(a) as stated on January 1, 1996 and incorporated by reference shall be met.
 - (B) Surface disposal units shall not cause nuisance conditions.
 - (C) Surface disposal units shall not cause the contravention of surface water or groundwater standards.
 - (D) Runoff from a 24-hour 25-year storm event, decant water, and leachate shall be collected from surface disposal units.
 - (E) If biological residuals are placed in the surface disposal unit, the concentration of methane gas shall not exceed 25 percent of the lower explosive limit for methane gas in any structure within the surface disposal unit boundary.
 - (F) If biological residuals are placed in the surface disposal unit, the concentration of methane gas shall not exceed the lower explosive limit for methane gas at any property line of the surface disposal unit.
 - (G) Public access to surface disposal units shall be restricted continuously.
 - (H) Animals shall not be allowed to graze on surface disposal units.
 - (I) Food crops, feed crops, and fiber crops shall not be harvested from surface disposal units.
- (3) Following active use, surface disposal units shall be closed. Permits for surface disposal units shall be maintained for three years following successful closure. Requests for approval of closure plans shall be submitted to the Division at least 180 days prior to the date that a surface disposal unit is to be closed and shall include the following information:
 - (A) how the surface disposal unit will be closed;
 - (B) a discussion of how the leachate collection system will be operated and maintained, if applicable;
 - (C) a description of the system used to monitor the air for methane gas in the air in any structures within the surface disposal unit boundary and at the property line of the surface disposal unit, if applicable;
 - (D) a discussion of how public access to the surface disposal unit will be restricted; and

- (E) proof that the deed for the surface disposal unit property has been amended to provide permanent written notification to subsequent owners of the property that the property was used for the purposes of operating a surface disposal unit.

*History Note: Authority G.S. 143-215.1; 143-215.3(a);
Eff. September 1, 2006;
Readopted Eff. September 1, 2018.*