15A NCAC 02T .1504 APPLICATION SUBMITTAL

(a) For all applications the following shall be submitted to the permitting agency by the applicant:

(1) a chemical analysis of the contaminated soil to be remediated, including total petroleum hydrocarbons (TPH), semivolatile and volatile organics, pH, and heavy metals. All methods and procedures shall be in accordance with 15A NCAC 02H .0800;

(2) a determination of hazardous waste constituents using the Toxicity Characteristic Leaching Procedure (TCLP) described in 40 CFR 261.24. Any substance shall be considered a hazardous waste if the results of the TCLP analysis indicate concentrations of constituents greater than the federal regulatory level, unless documentation is provided showing that the contaminated soil is not a hazardous waste and is within the scope of this Section as provided in Rule .1501 of this Section. A TCLP analysis shall be required for all applications for a permit to dispose of petroleum-contaminated soil in accordance with the following criteria:

(A) If the source of the soil contamination is a virgin (unused) petroleum product from an underground storage tank regulated under Subtitle I of RCRA, the contaminated soil shall not be considered a hazardous waste and no TCLP analysis shall be required. In lieu of the TCLP analysis, certification of soil contamination from a virgin petroleum product shall be required.

(B) If an analysis of the virgin (unused) petroleum product is submitted showing concentrations less than the regulatory level associated with the constituents of the TCLP analysis (Table II.2 of the Federal Register, Volume 55, No. 61), the contaminated soil shall not be considered a hazardous waste and no TCLP analysis shall be required.

(C) For soils contaminated with used motor oil, the soils shall be considered hazardous unless proven otherwise by a TCLP analysis for volatile organics and metals (EPA Hazardous Waste Nos. D004-D011).

(D) For soils contaminated by waste oil, a TCLP analysis for all constituents in Table II.2 of the Federal Register, Volume 55, No. 61, with the exception of pesticides and herbicides, shall be required.

(E) For soils contaminated with petroleum products not regulated under Subtitle I of RCRA, excluding used motor and waste oils, the soils shall be considered hazardous waste until proven otherwise.

(3) a site map showing location information of boundaries and physical features with a horizontal scale of one inch equals 100 feet or less and topographic contour intervals not exceeding 10 feet or 25 percent of total site relief, whichever is less, and including the following:

[Note: The North Carolina Board of Examiners for Engineers and Surveyors has determined, via letter dated December 1, 2005, that locating boundaries and physical features, not pursuant to the purview of other licensed professions, on maps pursuant to this Paragraph constitutes practicing surveying under G.S. 89C.]

(A) all property boundaries and all structures within the treatment, storage, and land application areas;

(B) the location of all wells, springs, lakes, ponds, or other surface drainage features within 500 feet of the waste disposal site;

(C) setbacks as required by Rule .1506 of this Section; and

(D) all residences or places of public assembly under separate ownership within 400 feet of the waste disposal site;

(4) for disposal sites encompassing more than one acre, confirmation that an erosion control plan has been submitted to the Division of Land Quality or its designee;

(5) the volume of contaminated soil to be remediated; and

(6) a landowner agreement to allow the use of the property for the purpose of remediating contaminated soil. The agreement is not required when the permit applicant is the sole landowner.

(b) For soil remediation at minimum rates the following shall be submitted to the permitting agency by the applicant:

(1) a calculation of the area required for land application, using the maximum application thickness of one inch;

(2) an indication of cover crops; and

(3) proof of written notification in the form of certified mail return receipts to each city and county government having jurisdiction over any part of the land over which disposal is to occur.

(c) For soil remediation at conventional rates at dedicated or non-dedicated sites, the following shall be submitted to the permitting agency by the applicant:

(1) a soils evaluation report of the disposal area to evaluate the soil to a depth of five feet. The report shall include:

[Note: The North Carolina Board for Licensing of Soil Scientists has determined, via letter dated December 1, 2005, that preparation of soils reports pursuant to this Paragraph constitutes practicing soil science pursuant to G.S. 89F.]

(A) field descriptions of texture, color, and structure;
(B) depth and thickness of soil horizons;
(C) presence of any restrictive horizons;
(D) depth to seasonal high water table;
(E) soil pH and cation exchange capacity; and
(F) estimates of liming and fertilization requirements;

(2) the calculation of the size of the disposal area and thickness of application;
(3) a description of the proposed cover crop;
(4) a site maintenance plan;
(5) for dedicated sites only, proposed groundwater quality monitoring well network; and
(6) proof of written notification in the form of certified mail return receipts to each city and county government having jurisdiction over any part of the land over which disposal is to occur.

(d) For containment and treatment the following shall be submitted to the permitting agency by the applicant:

(1) a soils evaluation report of the disposal area to evaluate the soil to a depth of five feet. The report shall include:

[Note: The North Carolina Board for Licensing of Soil Scientists has determined, via letter dated December 1, 2005, that preparation of soils reports pursuant to this Paragraph constitutes practicing soil science pursuant to G.S. 89F.]

(A) field descriptions of texture, color, and structure;
(B) depth and thickness of soil horizons;
(C) presence of any restrictive horizons; and
(D) depth to seasonal high water table;

(2) the plans and specifications of the soil containment vessel and any associated leachate collection system, including the operating thickness of the soil to be contained and treated; and
(3) a description of the chemical or biological additives used in treating the contaminated soil.

(e) For containment and utilization at brick, asphalt, or other production facilities, a site management plan consisting of a complete description of all operational procedures related to the handling of soils at the proposed facility, shall be submitted to the permitting agency by the applicant, including:

(1) a description of the staging area or areas designated for initial placement of the contaminated soils;
(2) the method of placing the soils in the containment area or areas;
(3) the average time the soils will remain in the containment area or areas;
(4) the method of incorporation of the soils into the production facility's product materials; and
(5) the method of containment and disposal of any leachate or runoff resulting from the containment and storage of contaminated soils.

(f) For soil remediation using mobile or portable self-contained facilities, the following shall be submitted to the permitting agency by the applicant:

(1) a description of the treatment system, including procedures for controlling any vapors or liquid or solid by-products of the treatment process;
(2) the method by which any by-product will be disposed;
(3) the predicted average concentration of contaminants in the untreated soil;
(4) the sampling procedures and analytical methods by which the concentrations and types of contaminants in the treated soil will be determined;
(5) the method of disposal of the treated soil; and
(6) for applications proposing to stage soils, a description of the method proposed to prevent contact of contaminated soil with the environment.

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