

## SECTION .0200 - PERMITS FOR SOLID WASTE MANAGEMENT FACILITIES

### 15A NCAC 13B .0201 PERMIT REQUIRED

(a) No person shall treat, process, store, or dispose of solid waste or arrange for the treatment, processing, storage, or disposal of solid waste except at a solid waste management facility permitted by the Division for such activity, except as provided in G.S. 130A-294(b).

(b) No person shall cause, suffer, allow, or permit the treatment, storage, processing, or disposal of solid waste upon any real or personal property owned, operated, leased, or in any way controlled by that person without obtaining a permit for a solid waste management facility from the Division authorizing such activity, except as provided in G.S. 130A-294(b).

(c) No solid waste management facility shall be established, operated, maintained, constructed, expanded, or modified without a valid permit issued by the Division for the specified type of activity. It is the responsibility of every owner or operator of a proposed solid waste management facility to apply for a permit for the facility. The term "owner" shall include record owners of the land where the facility is located or proposed to be located and holders of any leasehold interest, however denominated, in any part of the land or structures where the facility is located or proposed to be located.

(d) The solid waste management facility permit, except for permits authorizing LCIDLFs, septage management facilities, or compost facilities, shall have two parts, as follows:

(1) A permit approval to construct a solid waste management facility or portion of a facility shall be issued by the Division after site and construction plans have been approved by the Division and it has been determined that the facility can be operated in accordance with Article 9 of Chapter 130A and the applicable rules set forth in this Subchapter, and other applicable State, federal, and local laws. An applicant shall not clear or grade land or commence construction for a solid waste management facility or a portion thereof until a permit approval to construct has been issued.

(2) A permit approval to operate a solid waste management facility shall not be issued unless it has been determined that the facility has been constructed in accordance with the construction plans, that any pre-operation conditions of the permit to construct have been met, and that the permit has been recorded, if applicable, in accordance with G.S. 130A-301.

(e) LCIDLFs, septage management facilities, and compost facilities may be issued a combined permit that includes approval to construct and operate the facility.

(f) All solid waste management facilities shall be operated in conformity with the rules of this Subchapter and shall utilize safe and sanitary practices for the preservation of the public health and welfare and the environment by preventing the generation of leachate, the attraction of vectors, the release of odors, and the release of waste or leachate to the environment.

(g) Disposal area boundaries for landfills permitted in accordance with Sections .0500 or .1600 of this Subchapter shall be delineated with stationary markers affixed to the ground. The markers shall be of height and spacing so that they are distinguishable from the surrounding landscape, and so that the adjacent markers are visible when standing at a marker.

(h) The owner or operator shall notify the Department within 30 days of a significant change in accordance with G.S. 130A-295.2(g). The owner or operator shall submit an application to amend a permit for a change in ownership or corporate structure of a permitted solid waste management facility. If the facility is required to establish financial assurance pursuant to Section .1800 of this Subchapter, then the facility shall not be released from the requirement to establish financial assurance until the Division has issued a permit to the new owner.

(i) Permits issued by the Division are subject to review by the Division to determine compliance with the rules of this Subchapter. The Division shall provide written notice to a facility no less than 180 days prior to an unscheduled review.

(j) Solid waste management facilities permitted by the Division in accordance with this Subchapter are subject to Article 1 Part 2 and Article 9 of Chapter 130A of the General Statutes, 15A NCAC 02C, 02L, 04, and the surface water quality standards in 15A NCAC 02B. [Note this list is not comprehensive, and is provided for information only.]

*History Note: Authority G.S. 130A-294;*

*Eff. April 1, 1982;*

*Amended Eff. January 4, 1993; February 1, 1991; March 1, 1988;*

*Temporary Amendment Eff. May 19, 1993 to expire on October 9, 1993 or until the permanent rule becomes effective, whichever is sooner;*

*Temporary Amendment Expired Eff. October 9, 1993;  
Amended Eff. September 1, 2016; August 1, 2008;  
Readopted Eff. January 1, 2021.*