

## **15A NCAC 13B .0404 APPLICATION REQUIREMENTS**

(a) Applications for transfer station permits submitted in accordance with Paragraph (c) of this Rule shall be submitted to the Division of Waste Management Solid Waste Section for review and approval prior to commencement of construction or operation of a transfer station (site).

(b) Permit applications for transfer stations shall be subject to the permit application fees required by G.S. 130A-295.8.

(c) In accordance with Rule .0201 of this Subchapter, a permit for a transfer station shall have two parts:

(1) Permit Approval to Construct. An application for a permit approval to construct a transfer station shall meet the requirements of Paragraphs (g) through (m) of this Rule and shall be submitted to the Division prior to commencing construction of the site. A permit applicant shall submit to the Division one electronic copy of a permit application, which shall contain the plans required in Paragraphs (g) through (j) of this Rule.

(2) Permit Approval to Operate. The owner or operator shall meet the pre-operative requirements listed in the permit approval to construct to qualify for a permit approval to operate. Construction documentation as outlined in Paragraph (n) of this Rule shall be submitted to the Division prior to receiving waste at the site. The site shall not begin receiving waste until a permit approval to operate has been issued by the Division.

(d) Permits issued by the Division in accordance with this Section shall incorporate all plans approved by the Division that are required to be submitted by Paragraphs (g) through (j) of this Rule, and a Corrective Action Plan if required in accordance with Rule .0405(a)(2) of this Section.

(e) Amendment to the permit. The owner or operator shall submit an application to amend the permit for a change in ownership or corporate structure of a permitted site. The owner or operator shall notify the Division within 30 days of a change in ownership or corporate structure in accordance with G.S. 130A-295.2(g).

(f) Modifications to the plans. The owner or operator may request to modify plans that were incorporated into the permit by submitting a written request to the Division that includes the modified plan and a demonstration showing how the proposed modifications comply with the rules of this Section. The Division shall respond to the request in writing within the timeline provided in G.S. 130A-295.8(e); and the response shall either approve or deny the request as submitted or request that additional information be submitted for the Division to consider the request. The Division's approval shall be based on whether the modification complies with the rules of this Subchapter. If the Division approves the request as submitted or upon receiving the additional information requested, the Division's written approval and the revised pages of the plan shall be added to the site's operating record. The owner or operator shall not implement the modification until the Division has issued an approval.

(g) Site Plan. An application for a permit for a site shall contain a site plan that includes the following information:

(1) an aerial photograph, representative of existing conditions, at a scale of at least one inch equals 400 feet, showing the area within one quarter mile of the proposed site's boundaries with the following identified:

(A) property lines of the entire property where the site will be located;

(B) existing land use and zoning;

(C) location of all private residences, commercial and industrial buildings, public or private utilities, roads, and schools;

(D) on-site easements;

(E) location of potable wells and public water supplies;

(F) historic sites described in Rule .0403(a)(2) of this Section;

(G) State nature and historic preserves described in Rule .0403(a)(3) of this Section;

(H) the existing topography and features of the site including general surface water drainage patterns and watersheds, 100-year floodplains, perennial and intermittent streams, rivers, and lakes; and

(I) the classification of the surface water drainage from the site in accordance with 15A NCAC 02B .0300.

(2) a siting report demonstrating compliance with the siting criteria of Rule .0403(a) of this Section, including a letter from the unit of government having zoning jurisdiction over the site that states that the proposed use is allowed within any existing zoning and that any necessary zoning approval or permit has been obtained, and that states the local zoning buffers that apply to the site.

(3) letters from both the State Historic Preservation Office and the Natural Heritage Program within the Department of Natural and Cultural Resources stating whether the proposed use of the property will impact the historic sites described in Rule .0403(a)(2) of this Section; State nature

and historic preserves described in Rule .0403(a)(3) of this Section; or the endangered or threatened species described in Rule .0403(a)(4) of this Section located at the site.

(h) Construction Plan. An application for a permit for a site shall contain a construction plan that includes the following items:

- (1) Site construction drawings showing:
  - (A) existing and proposed contours;
  - (B) property boundaries;
  - (C) the location of barriers, fences, or other structures that control access to the site;
  - (D) buffer areas and distances to wells, residences, wetlands and water bodies, and descriptions of any buffer requirements by local government zoning regulations;
  - (E) the water diversion, collection, conveyance, erosion and sedimentation control, treatment, storage, and discharge facilities that will be used, such as drainage patterns and surface water drainage control structures both within the area and at the site perimeter, including berms, ditches, sedimentation basins, pumps, sumps, culverts, pipes, inlets, velocity breaks, sodding, erosion matting, or other methods of erosion control;
  - (F) the solid waste storage, loading, and unloading areas, including the tipping floor;
  - (G) buildings and facilities that will be used in the operation, including their horizontal and vertical dimensions;
  - (H) concrete foundations or pads and identification of all other ground cover for the site operation;
  - (I) location of scales and weigh stations that will be used in the operation;
  - (J) a survey grid with base lines and monuments that will be used for field control;
  - (K) access roads and traffic flow patterns to and within the site;
  - (L) leachate collection, control, and treatment systems including pipes, manholes, trenches, berms, collection sumps or basins, pumps, risers, liners, and liner splices; and
  - (M) materials management handling areas for sites that will manage pre-sorted recyclables and any materials diverted from the incoming waste stream; and
- (2) a description of how the site will comply with the design requirements of Rule .0403(b) of this Section.

(i) Operations Plan. An application for a permit for a site shall contain an operations plan that shall include the following information:

- (1) the type and quantity of waste that will be accepted, the anticipated sources of the waste accepted, the intended destination of waste removed from the site, and the intended destination of recovered materials if any are proposed to be removed from the site;
- (2) the procedures and anticipated processing and storage times for the activities that the site is proposing to conduct, such as receiving, screening, processing, handling, salvaging, storage, and removal of waste and recovered materials including recyclables, wastes banned from landfill disposal in accordance with G.S. 130A-309.10(f), and special wastes as defined in G.S. 130A-290(a)(40);
- (3) the hours of operation, staffing, parking for visitors and employees, and traffic routing;
- (4) methods for vector control, dust and odor control, drainage and erosion control, fire prevention, and daily cleanup;
- (5) record-keeping procedures;
- (6) groundwater and surface water monitoring and corrective action, if required by the Division in accordance with Rule .0405(a)(2) of this Section;
- (7) a description of how the site will comply with the operational requirements of Rule .0405 of this Section;
- (8) for sites that will accept, process, or recycle construction and demolition wastes, a description of how the site will comply with 40 CFR 61, Subpart M, and G.S. 130A-444 through 452;
- (9) for sites designed with a leachate collection system, a leachate management plan that includes the following information:
  - (A) the performance and design concepts for the leachate collection system and any storm water segregation included in the engineering design;
  - (B) monitoring procedures for leachate storage tanks, if present;
  - (C) operational control methods to ensure that surface water is diverted from the operational area, and the tipping floor is free of standing water; and

- (D) a process to abandon or remove the leachate collection system upon closure of the site. The Division may allow leachate collection systems to remain in place for future use if the owner or operator provides documentation of measures taken to comply with the requirements of this Section and to protect human health and safety and the environment, such as capping or blocking of any discharge points or open-ended piping to prevent unintended collection, storage, or discharge of leachate. The Division may also require recordation and land use restrictions in accordance with Rule .0406(b)(4) of this Section;
  - (10) a contingency plan that shall address planned operations in the event of loss of power, loss of communications, storm surges, scale malfunctions, and scale software malfunctions; in the event that the disposal site, haul route, or transfer equipment is not available; or during conditions exceeding design parameters. The owner or operator of a site shall provide back-up equipment, and contact information to obtain the equipment, and plans to by-pass the site in case of equipment breakdown. The contingency plan shall be kept updated on-site and shall include site-specific emergency procedures and contact information in case of emergencies; and
  - (11) additional information for activities or features that the owner or operator is proposing that are not otherwise described in this Paragraph, or that the Division may request in writing if it is necessary to determine compliance with the rules of this Subchapter.
- (j) Closure Plan. An application for a permit for a site shall contain a closure plan that describes the steps necessary to close the site at any point during the active life of the site in accordance with the requirements in Rule .0406 of this Section. The closure plan shall include the following information:
- (1) a description of all activities, including the removal of any remaining solid wastes or materials from the site, activities required for the closure of the site, and abandonment of all on-site systems;
  - (2) a schedule for completing the closure activities as set forth in Rule .0406 of this Section;
  - (3) the cost estimate for closure and post-closure care activities; and
  - (4) a plan for retention of operating record and receipts including those from closure activities.
- (k) Sites shall comply with financial responsibility requirements in accordance with G.S. 130A-295.2 and Section .1800 of this Subchapter. If the Division requires the site to conduct post-closure care in accordance with Rule .0406(c) of this Section, the site shall maintain financial assurance during the post-closure care period until released from post-closure care by the Division.
- (l) Owners or operators of sites are subject to the compliance history review requirements in G.S. 130A-295.3.
- (m) Sites shall comply with the traffic study requirements in G.S. 130A-295.5.
- (n) Following completion of construction but prior to commencing operations, the owner or operator shall submit to the Division the as-built drawings and a final construction report that the site has been constructed in accordance with the Division-approved drawings and specifications in the permit to construct. If required by G.S. 89C, these items shall be certified by a licensed professional engineer.

*History Note: Authority G.S. 130A-294;  
Eff. January 1, 2021.*