

SECTION .0200 - PERMITS FOR SOLID WASTE MANAGEMENT FACILITIES

Rules .0201 - .0205 of Title 15A Subchapter 13B of the North Carolina Administrative Code (T15A.13B .0201 - .0205); have been transferred and recodified from Rules .0201 - .0205 of Title 10 Subchapter 10G of the North Carolina Administrative Code (T10.10G .0201 - .0205), effective April 4, 1990.

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, or processing of solid waste upon any real or personal property owned, operated, leased, or in any way controlled by that person without first 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 an appropriate and currently valid permit issued by the Division. It is the responsibility of every owner and 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 land clearing and inert debris permits, shall have two parts, as follows:

- (1) A permit to construct a solid waste management facility shall be issued by the Division after site and construction plans have been approved 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 until a construction permit has been issued.
- (2) A permit to operate a solid waste management facility may not be issued unless it has been determined that the facility has been constructed in accordance with the construction permit, that any pre-operative conditions of the construction permit have been met, and that the construction permit has been recorded, if applicable, in accordance with Rule .0204 of this Section.

(e) Land clearing and inert debris facilities may be issued a combined permit to construct and operate the facility.

(f) Land clearing and inert debris facilities subject to Rule .0563 Item (1) may construct and operate after notification as provided for under Rule .0563 Item (2).

(g) Permits, including those issued prior to the effective date of this Rule, shall be reviewed every five years. Modifications, where necessary, shall be made in accordance with rules in effect at the time of review for those areas of a permitted sanitary landfill site which have not previously received solid waste.

(h) All solid waste management facilities shall be operated in conformity with these Rules and in such a manner as to prevent the creation of a nuisance, unsanitary conditions, or potential public health hazard.

*History Note: Authority G.S. 130A-294;
Eff. April 1, 1982;
Amended Eff. January 4, 1993; February 1, 1991; March 1, 1988;
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Temporary Amendment Expired Eff. October 9, 1993;
Amended Eff. August 1, 2008.*