

1 15A NCAC 13B .0201 is proposed for amendment as follows:

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3 **15A NCAC 13B .0201 PERMIT REQUIRED**

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

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

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

17 (d) The solid waste management facility permit, except for land clearing and inert debris permits, shall have two
18 parts, as follows:

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

26 (2) A permit approval to operate a solid waste management facility ~~may~~ shall not be issued unless it has
27 been determined that the facility has been constructed in accordance with the construction ~~permit~~,
28 plans, that any ~~pre-operative~~ pre-operation conditions of the ~~construction~~ permit to construct have
29 been met, and that the ~~construction~~ permit has been recorded, if applicable, in accordance with Rule
30 .0204 of this Section.

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

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

35 (g) Permits, ~~except for life-of-site permits issued pursuant to Rule .0207 of this Section, including those issued prior~~
36 ~~to the effective date of this Rule~~, shall be reviewed every five years. Modifications, where necessary, shall be made

1 in accordance with rules in effect at the time of ~~review.~~ ~~review for those areas of a permitted sanitary landfill site which~~
2 ~~have not previously received solid waste.~~

3 (h) All solid waste management facilities shall be operated in conformity with these Rules and ~~in such a manner as~~
4 ~~to prevent the creation of~~ shall not create a nuisance, or an unsanitary condition, ~~conditions,~~ or a potential public health
5 hazard.

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7 *History Note: Authority G.S. 130A-294; S.L. 2015-286, s.4.9;*
8 *Eff. April 1, 1982;*
9 *Amended Eff. January 4, 1993; February 1, 1991; March 1, 1988;*
10 *Filed as a Temporary Amendment Eff. May 19, 1993 to expire on October 9, 1993 or until the*
11 *permanent rule becomes effective, whichever is sooner;*
12 *Temporary Amendment Expired Eff. October 9, 1993;*
13 *Amended Eff. September 1, 2016; August 1, 2008.*