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North Carolina Department of Environment and Natural Resources

Dexter R. Matthews, Director

Division of Waste Management

Michael F. Easley, Governor
William G. Ross, Jr. Secretary

October 28, 2008

Mr. James Jenkins
Martin County C&D Landfill
P. O. Box 668
Williamston, North Carolina 27892

Subject: Asphalt Shingle Recycling
Martin County Construction and Demolition Landfill (C&DLF)
Permit No. 59-01
Martin County, Doc ID No. 6120

Dear Mr. Jenkins:

This letter is in response to your phone call requesting guidance for implementing asphalt shingle recycling at your facility.

I have included two documents. The first, "Removal of Asphalt Shingles from the Waste Stream for Recycling," addresses the statutes and rules that apply and refers to preparing a permit modification. The second, "Application Guidance for a C&D Transfer Station and Recycling Operation," provides detailed guidance for preparation of applications for new permits, permit amendments, and permit modifications. Martin County should follow the guidance applicable to a permit modification in preparing an application.

Please review these documents and if you have any questions, please contact me at (919) 508-8542, or by email at pat.backus@ncmail.net.

Sincerely,

Patricia Backus, P.E.
Environmental Engineer

Enclosures (2)

cc:

Ben Barnes, DWM
Ed Mussler, DWM

Dennis Shackelford, DWM



**Division of Waste Management
Solid Waste Section**

REMOVAL OF ASPHALT SHINGLES FROM THE WASTE STREAM FOR RECYCLING

Tear-off asphalt shingles are received as construction and demolition debris (C&D) waste at solid waste management facilities. A market for converting asphalt shingles into a useful product in the paving industry has developed and some companies are approaching solid waste facilities to obtain asphalt shingles. Solid Waste Management Rules prevent sending waste to facilities that are not permitted to receive solid waste. However, if asphalt shingles qualify as a “recovered material”, asphalt shingles can be removed from the solid waste stream and sent to a facility for processing into paving material.

Rule .0201(a) states that "No person shall establish or allow to be established on his land, a solid waste management facility, or otherwise treat, store, or dispose of solid waste unless a permit for the facility has been obtained from the Division "(i.e. Waste Management). G.S. 130A-290 (a) (24) states that a "Recovered material" means a material that has known recycling potential, can be feasibly recycled, and has been diverted or removed from the solid waste stream for sale, use, or reuse. In order to qualify as a recovered material, a material must meet the requirements of G.S. 130A-309.05(c).

Currently permitted solid waste facilities, specifically municipal solid waste transfer stations and landfills or construction and demolition debris transfer stations and landfills that would like to remove asphalt shingles from their waste stream for recycling should prepare an application for a permit modification. The application should be prepared in accordance with “Application Guidance for a Transfer Station and Recycling Operation”. In addition, the applicant should provide a document from the recycler certifying their process complies with the requirements of the Health Hazards Control Unit of the Division of Public Health, Department of Health and Human Services for the acceptance, storage, processing, and removal of asbestos-containing material.

Owners and operators of other types of solid waste management facilities interested in recycling asphalt shingles should contact the Solid Waste Section for more specific guidance.

APPLICATION GUIDANCE
FOR A C&D TRANSFER STATION AND RECYCLING OPERATION
North Carolina Department of Environment and Natural Resources
Division of Waste Management – Solid Waste Section

The completion of an application is required for the permitting of all construction and demolition debris transfer stations/recycling operations. There are three types of permit actions for a transfer station/recycling operation:

A “new permit” means an application for a permit for a facility that has not been previously permitted by the Department.

A “permit amendment” means (1) an application for the five-year renewal of a permit for a permitted transfer station/recycling operation, or (2) an application that proposes a change in ownership or corporate structure of a permitted transfer station/recycling operation.

A “permit modification” means an application for a change to the plans approved in a permit for a transfer station/recycling operation that does not constitute a permit amendment.

A complete application for a transfer station/recycling operation permit shall consist of engineering drawings and other required information submitted in report format in a three ring binder. If the proposed facility consists of more than a transfer station (e.g., yard waste storage and processing), also include a complete application/notification for such facility either as an appendix or information/documentation incorporated into the sections describing the transfer station. Tabbed pages should separate the Sections in the report.

One paper copy and one electronic copy of the application report should be submitted. The electronic copy can be sent by email, or on a CD. The engineering drawings must be included in the electronic copy.

The permit fees for a transfer station permit are \$5,000, \$3,000, and \$500, for a new permit, permit amendment, and permit modification, respectively. An invoice will be mailed to the applicant when an application is received. There is also a transfer station annual permit fee of \$750.

For consideration as a processing facility permit, an applicant must demonstrate that:

- the facility will recycle at least 50 percent of the received materials, and
- the materials received are in containers owned and controlled by the facility’s owner/operator.

The permit fees for treatment and processing facilities are \$1,750, \$1,250, and \$500, for a new permit, permit amendment, and permit modification, respectively.

A Compliance Review will be required of the owner and operator of the facility, in accordance with State statutes. After the application is submitted, the owner and operator will be sent a letter requesting compliance history information and parent, subsidiary, or other affiliate information, which is required in order to complete the application.

The compliance review and financial responsibility review of the applicant will include financial qualification, to ensure that the applicant has the ability to pay for the costs of proper design, construction, operation, and maintenance of the facility.

The Solid Waste Section reserves the right to ask for additional information as determined necessary.

Applications should be sent to the following address:

NC DENR, Division of Waste Management

Solid Waste Section Permitting
1646 Mail Service Center
Raleigh, NC 27699-1646

Questions regarding an application should be directed to the Solid Waste Section, Phone 919-508-8400.

The Solid Waste Section rules can be found on the Section's website at <http://www.wastenotnc.org/swhome/rules.asp>; and the North Carolina General Statutes concerning solid waste are located at http://www.ncleg.net/EnactedLegislation/Statutes/HTML/ByArticle/Chapter_130A/Article_9.html.

An application for a new permit must address all Sections as listed below.

An application for a permit amendment must address Sections 1, 3, 5, 7, and other Sections as applicable, in which any information contained in the original permit application is incomplete or has changed.

An application for a permit modification must address Sections 1, 3, 5, 7, and other Sections as applicable, in which any information contained in the original permit application has or will change due to the proposed modification.

C&D Transfer Station/Recycling Operation Application Report Format and Contents

Letter of transmittal, which states desired Department action (including whether the request is for a new permit, permit amendment, or permit modification)

Title page

Table of Contents

Section 1 – General Information

Provide a narrative of general information for the facility, including the following:

1. Name of proposed or existing transfer station/recycling operation.
2. Name, address, telephone number, and email address of the applicant and contact person.
3. Name, address, telephone number, and email address of the contract operator and contact person, if applicable.
4. Name, address, telephone number, and email address of the landowner. A landowner authorization form must be signed and notarized if the property is to be leased (see attached form).
5. Name, address, telephone number, and email address of the engineer.
6. Name, address, telephone number, and email address of person to receive permit fee invoices and annual fee invoices.

Section 2 - Property information and maps

7. Describe the location of the facility. If the property was previously used for solid waste management activities, provide a description of the operation including permit information and a map with boundaries.
8. Provide the total acreage of the property and the size of the actual area to be used for the transfer and storage operation.

9. Provide a legal description of the property and a complete copy of the current land deed. Also provide a copy of any available current plats or survey drawings of the property.
10. Provide a copy of the USGS topographic quadrangle map of the area. The property boundaries of the site and the approximate transfer area should be drawn onto the map. The map may be a high quality photocopy.
11. Provide a letter from the appropriate City or County official confirming that the siting of the facility will be in conformance with all zoning and local laws, regulations, and ordinances, or that no such zoning, laws, regulations, or ordinances are applicable.
12. Provide a copy of the FEMA Flood Insurance floodplains map for the area, with the site property marked on the map.
13. Provide a letter from the Army Corps of Engineers that addresses the wetlands determination for the property, and compliance with requirements, if applicable.

Section 3 - Operation Plan

The Operations Plan should include a narrative of the following information:

14. Description of the wastes to be accepted. If demolition debris is to be sorted and recycled, submit documentation of compliance with requirements of the Health Hazards Control Unit of the Division of Public Health, Department of Health & Human Services, regarding acceptance, storage, processing, and removal of asbestos or suspected asbestos containing material/waste. Contact Mr. Jeff Dellinger, at phone 919-707-5950, or jeff.dellinger@ncmail.net and provide copy of correspondence/approval.
15. Estimate in tons or cubic yards per day expected to be managed at the transfer station/recycling operation.
16. List the service area for the facility.
17. List the specific disposal facilities where the waste will be transferred. Provide a list of the recycling users/buyers where the recyclables will be transferred. Waste must only be transported to facilities whose service area includes the generation source (i.e., the service area of the transfer station must match the service area of the disposal facilities).
18. Description of the equipment, scales, structures, tipping floor.
19. Describe site security and access control. Access roads must be of all weather construction. Also describe hours of operation.
20. Description of signs to be posted at the entrance and within the site to direct traffic. Signs must provide a description of the types of waste received, the types of waste prohibited, operating hours, permit number, and emergency contact phone numbers.
21. Personnel requirements, qualifications, responsibilities. The plan must indicate that a trained employee must be onsite at all times the site is open, overseeing the loading and unloading of waste.
22. A narrative description of the operation from the truck arriving at the site, through all steps of the transfer station/recycling operation, to the point of waste removal. Describe traffic flow, procedures for loading and unloading of waste.
23. Describe method for screening loads for unacceptable waste.

24. Describe the process for accepting, sorting/processing, and storing each type of recyclable. All recyclables, other than concrete, should be stored covered on a pad or in a covered container. Include the storage size of each recyclable and waste type, and the frequency of removal from the site of each recyclable and waste type. What is the maximum amount of each waste and recyclable material that will be stored onsite at any time? What is the combined volume of the maximum amount of wastes and recyclable material that will be stored on the property at any time? Describe the method for ensuring that 100% of the recyclable material will be processed and removed for the facility within one year of receipt.
25. Describe any operation that will process waste, such as a wood grinder. Chipped or mulched wood waste must be stored covered on a pad or in a covered container. Provide documentation of compliance with state rules for compost facilities, 15A NCAC 13B .1401 et seq.
26. Describe plan for handling waste loads that contain unacceptable waste. Unacceptable waste must not be added to C&D waste that will be transported to a C&D landfill. Describe storage of the unacceptable waste and the frequency of removal of the waste (at least weekly).
27. Describe surface water control features, including run-on and run-off. Describe plan for operation of the facility in wet weather. If the facility is to operate during precipitation events, the tipping pad area must be sheltered from precipitation. It is preferred, but not required, that the tipping floor area be covered for all operations. Provide copy of stormwater application and permit, if required.
28. Describe the collection, storage, and disposal of leachate, wash water, and contaminated rainfall runoff. Runoff from the tipping floor area, and all areas of waste/recyclable storage should be collected and properly treated prior to disposal.
29. Plan for maintaining facility property in a sanitary condition and actions to be taken to minimize noise, vectors, and odors. All waste should be sorted and stored at the end of each operating day. Storage containers should be covered at the end of every operating day and during rain events.
30. Plan for litter and dust control. Procedures to prevent blowing litter from leaving the onsite management areas and from leaving the property.
31. Description of any special waste handling (waste tires, white goods, yard waste, etc.).
32. Plan for fire prevention and actions to be taken in the event of an accidental fire.
33. Describe recordkeeping (daily tonnages of waste received by County of origin, tonnages of each type of recyclable material sent to markets, tonnages of waste sent to a disposal facility, personnel training). The facility must also keep a copy of the permit, operations plan, and site drawings on site at all times.
34. Contingency plans for equipment breakdown, spills, vectors, noise, odors, unusual traffic patterns, long-term power outages, extreme weather events, etc.

Section 4 – Sedimentation and Erosion Control Plan

35. For new transfer station/recycling operations or existing transfer station/recycling operations with proposed construction modifications, provide a copy of the sedimentation and erosion control plan as required by local governments and the NC Division of Land Resources. Provide an electronic copy only if the plan is voluminous.

Section 5 - Financial Assurance

36. Financial assurance documentation in accordance with N.C. G.S. 130A-294 (b2) is required for all permits. Submit cost estimates in the application equal to the cost to hire a third party to remove, cleanup, haul, and dispose of a minimum of five days volume of incoming waste plus the maximum amount of materials (waste and recyclables) that the facility plans to store onsite (see #23 in the Operations Plan). This is required in the event of site abandonment or if the site is found to be in substantial non-compliance with state requirements. The facility may be considered in substantial non-compliance if it is found storing more waste/recyclables on site than the facility's operations plan and/or the facility's financial assurance mechanism covers. The Section may require the estimate to be based on more than five days volume, depending on the type of operation, the past environmental compliance history of the applicant, and if the applicant does not currently operate any solid waste management facilities in North Carolina. After the Solid Waste Section has approved the cost estimate, the financial assurance instrument for the amount must be submitted before the site becomes operational (new facilities) or soon after the permit is issued (existing facilities).

Section 6 – Traffic Study

37. Submit documentation as required by N.C. G.S. 130A-295.5.

Section 7 – Signature Pages

38. Applicant signature page (see attached).
39. Contract operator signature page (see attached).
40. If the landowner of the property is not the applicant, the attached certification form by the land owner is required.

Section 8 - Engineering Drawings

For a new transfer station/recycling operation or an existing transfer station/recycling operation with proposed construction modifications, provide drawings showing the transfer station/recycling operation building or modifications. Engineering drawings should be prepared and sealed by a NC professional engineer, drawn to scale, and should include:

1. existing and proposed contours,
2. property boundaries,
3. gates/fences or other access control features
4. utilities (including wastewater system and stormwater drains),
5. existing and proposed roads,
6. sedimentation basin details,
7. existing surface water features (ditches, ponds, streams, wetlands, etc.),
8. waste unloading, sorting area, and waste loading area,
9. storage areas indicating recyclable and waste type, and types and sizes of containers,
10. any special waste handling areas, such as yard waste, white goods collection area, tire collection area, etc.,
11. leachate and runoff collection details,
12. buildings (existing and proposed) and scales/scale house,
13. concrete foundations/pads and identification of all other ground cover for the site operation,

14. distances to wells, residences, wetlands, and water bodies, and
15. other physical characteristics of the site

A minimum of 100 feet buffer is required from the waste/recyclable unloading, loading, and storage areas to the site property lines, all surface waters, residential dwellings, commercial or public buildings, and wells.

All sides of storage areas for flammable materials/waste should be clear and drivable, to provide vehicular access in the event of a fire.

Signature page of applicant –

Name of facility _____

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision and that the information provided in this application is true, accurate, and complete to the best of my knowledge.

I understand that North Carolina General Statute 130A-22 provides for administrative penalties of up to fifteen thousand dollars (\$15,000.00) per day per each violation of the Solid Waste Management Rules. I further understand that the Solid Waste Management Rules may be revised or amended in the future and that the facility siting and operations of this solid waste management facility will be required to comply with all such revisions or amendments.

Signature

Print Name

Date

Title

Business or organization name

Certification by Land Owner (if different from Applicant):

I hereby certify that I have read and understand the application submitted by _____ for a permit to operate a C&D transfer station/recycling operation on land owned by the undersigned located at (address) _____; (city) _____, NC, in _____ County, and described in Deed Book and Page(s) _____.

I specifically grant permission for the proposed C&D transfer station/recycling operation planned for operation within the confines of the land, as indicated in the permit application. I understand that any permit will be issued in the names of both the operator and the owner of the facility/property. I acknowledge that ownership of land on which a solid waste management facility is located may subject me to cleanup of said property in the event that the operator defaults as well as to liability under the federal Comprehensive Environmental Responsibility, Compensation and Liability Act ("CERCLA"). Without accepting any fault or liability, I recognize that ownership of land on which a solid waste management facility is located may subject me to claims from persons who may be harmed in their persons or property caused by the solid waste management facility.

I am informed that North Carolina General Statute 130A-22 provides for administrative penalties of up to fifteen thousand dollars (\$15,000) per day per each violation of the Solid Waste Management Rules. I understand that the Solid Waste Management Rules may be revised or amended in the future, and that the siting and operation of the facility will be required to comply with any such revisions or amendments.

Signature

Date

Print name

NORTH CAROLINA

_____ County

I, _____, Notary Public for said County and State, do hereby certify that _____ personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal, this the _____ day of _____, 20__.

(Official Seal)

Notary Public

My commission expires _____.