

**DELEGATION OF AUTHORITY TO
THE MECKLENBURG COUNTY LAND USE AND ENVIRONMENTAL
SERVICES AGENCY**

AUTHORITY

This delegation is made pursuant to the authority granted to the Division of Waste Management (hereinafter "the Division") by G.S. 130A-294(a)(5c) and is contingent upon the terms of the attached memorandum of agreement incorporated herein by reference.

DELEGATION

The Division hereby delegates to the Mecklenburg County Land Use and Environmental Services Agency (hereinafter "the County") through the County Board of Commissioners the authority and the responsibility, to perform within its jurisdictional area a solid waste management program as described herein.

SCOPE

The authority and responsibility to carry out functions described in those sections listed below of the North Carolina Solid Waste Management Rules, 15A NC Administrative Code 13B, are hereby delegated to the County.

SECTION .0100 – GENERAL PROVISIONS

.0101 DEFINITIONS

.0102 APPLICABILITY

.0103 GENERAL CONDITIONS (a), (b), (c), (e), (f) and (i) only

.0104 SOLID WASTE STORAGE

.0105 COLLECTION AND TRANSPORTATION OF SOLID WASTE

.0106 GENERATOR OF SOLID WASTE

SECTION .0200 – PERMITS FOR SOLID WASTE MANAGEMENT FACILITIES

.0201 PERMIT REQUIRED

.0202 PERMIT APPLICATION

.0203 PERMIT APPROVAL OR DENIAL

.0204 RECORDATION OF LAND DISPOSAL PERMITS

SECTION .0300 – TREATMENT AND PROCESSING FACILITIES

(Delegation of Authority limited to Inspections and Compliance Monitoring as provided by Paragraphs 8 and 9 in the Memorandum of Agreement.)

.0302 OPERATIONAL REQUIREMENTS

SECTION .0400 – TRANSFER FACILITIES

(Delegation of Authority limited to Inspections and Compliance Monitoring as provided by Paragraphs 8 and 9 in the Memorandum of Agreement.)

.0402 OPERATIONAL REQUIREMENTS

SECTION .0500 – DISPOSAL SITES

.0501 APPROVED DISPOSAL METHODS

.0502 OPEN DUMPS

.0505 OPERATIONAL REQUIREMENTS FOR SANITARY LANDFILLS
(Delegation of Authority limited to Inspections and Compliance Monitoring as provided by Paragraphs 8 and 9 in the Memorandum of Agreement.)

.0509 OPERATIONAL REQUIREMENTS FOR INCINERATORS

.0510 CLOSURE CONDITIONS (Limited to (a), (b), and (d).)

.0542 OPERATION PLAN AND REQUIREMENTS FOR C&DLF FACILITIES
(Delegation of Authority limited to Inspections and Compliance Monitoring as provided by Paragraphs 8 and 9 in the Memorandum of Agreement.)

.0543 CLOSURE AND POST-CLOSURE REQUIREMENTS FOR C&DLF
FACILITIES
(Delegation of Authority limited to Inspections and Compliance Monitoring, as provided by Paragraphs 8 and 9 in the Memorandum of Agreement, for .0543(c)(5), (c)(6), (e)(1)(A), (e)(1)(C), and (e)(1)(D).)

.0560 LAND CLEARING AND INERT DEBRIS (LCID) LANDFILLS
(Delegation of Authority limited to Inspections and Compliance Monitoring as provided by Paragraphs 8 and 9 in the Memorandum of Agreement.)

.0562 BENEFICIAL FILL

SECTION .800 – SEPTAGE MANAGEMENT
(Delegation of Authority limited to Inspections and Compliance Monitoring as provided by Paragraphs 8 and 9 in the Memorandum of Agreement.)

SECTION .1200 – MEDICAL WASTE MANAGEMENT
(Delegation of Authority limited to Inspections and Compliance Monitoring as provided by Paragraphs 8 and 9 in the Memorandum of Agreement.)

SECTION .1400 – SOLID WASTE COMPOST FACILITIES
(Delegation of Authority limited to Inspections and Compliance Monitoring as provided by Paragraphs 8 and 9 in the Memorandum of Agreement.)

.1402 GENERAL PROVISIONS FOR SOLID WASTE COMPOST FACILITIES

.1403 GENERAL PROHIBITIONS FOR SOLID WASTE COMPOST FACILITIES

.1406 OPERATIONAL REQUIREMENTS FOR SOLID WASTE COMPOST
FACILITIES

.1407 CLASSIFICATION/DISTRIBUTION OF SOLID WASTE COMPOST
PRODUCTS

.1408 METHODS FOR TESTING AND REPORTING REQUIREMENTS

SECTION .1600

.1626 OPERATIONAL REQUIREMENTS FOR MUNICIPAL SOLID WASTE
LANDFILL FACILITIES

(Delegation of Authority limited to Inspections and Compliance Monitoring as provided by Paragraphs 8 and 9 in the Memorandum of Agreement.)

CONTINUITY

Subsequent revisions and additions to delegated sections of the North Carolina Solid Waste Management Rules shall be automatically delegated upon adoption, unless otherwise specified by the Division in writing.

EXCEPTIONS

The Division shall retain exclusive authority and responsibility for the permitting of municipal and industrial solid waste landfills, construction and demolition waste landfills, land clearing and inert debris landfills, incinerators, treatment and processing facilities, composting facilities, solid waste transfer facilities, and other non-delegated solid waste management facilities. Contingent upon a satisfactory demonstration by the County the Division may delegate additional functions at a later date.

The Division shall retain exclusive authority and responsibility for permitting and regulation of all solid waste management facilities owned and or operated by the County, facilities owned and or operated by a unit of local government other than Mecklenburg County, and facilities in which Mecklenburg County or any other unit of local government as a partial ownership or operational interest. The Division shall retain exclusive authority and responsibility for the issuance of administrative penalties.

In accordance with G.S. 130A-294 (a) (5c) the authority delegated herein does not include authority to designate a geographic area to be served by a solid waste management facility, and no authority over or control of the operations or properties of any other local government is delegated to the County.

NOTE: The Solid Waste Section of the Division of Waste Management shall retain concurrent and overriding jurisdiction over all areas of delegated authority.

CONDITIONS

As a condition of this delegation, the County shall send to the Division of Waste Management, Solid Waste Section, an official, electronic copy of all permits, inspection reports and monitoring reports concerning solid waste management facilities for which the County is delegated certain authority and responsibility under this document. The Division reserves the right to conduct an annual unannounced review of the County's program. This review will consist of a random selection of facilities at which to conduct a records and facility site inspection.

TERMINATION

The Division or the County may terminate this Delegation of Authority upon 30 days written notice with an explanation of the reason for the termination.

This delegation shall become effective _____

Dexter Matthews
For the Department of Environment and Natural Resources

Date