

Temporary Rules November 2015 Technical Changes

1 15A NCAC 13A .0102 is amended with changes under temporary procedure as follows:

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3 **15A NCAC 13A .0102 DEFINITIONS**

4 (a) The definitions contained in G.S. 130A-290 apply to this Subchapter.

5 (b) 40 CFR 260.10 (Subpart B), Definitions, is incorporated by reference, including subsequent amendments and editions
6 except that the Definitions for "Disposal", "Landfill", "Management or hazardous waste management", "Person",
7 "Sludge", "Storage", and "Treatment" are defined by G.S. 130A-290 and are not incorporated by ~~reference~~, reference and
8 the ~~definitions~~ definition in 260.10 for "Contained" "Facility", "Transfer Facility", "~~Hazardous secondary material~~",
9 "~~Hazardous secondary material generated and reclaimed under the control of the generator~~", "~~Hazardous secondary~~
10 ~~material generator~~", "Intermediate facility", and "Land-based unit" are not incorporated by reference is not incorporated
11 by reference.

12 (c) ~~The following definitions shall be substituted for "Facility" and "Transfer Facility":~~ The following definition shall be
13 substituted for "Contained":

14 (1) ~~"Facility" means:~~

15 (A) ~~All contiguous land, structures, other appurtenances, and improvements on the land, used for~~
16 ~~treating, storing, or disposing of hazardous waste. A facility may consist of several~~
17 ~~treatment, storage, or disposal operational units (e.g., one or more landfills, surface~~
18 ~~impoundments, or combinations of them).~~

19 (B) ~~For the purpose of implementing corrective action under 40 CFR 264.101, all contiguous~~
20 ~~property under the control of the owner or operator seeking a permit under Subtitle C of~~
21 ~~RCRA. This definition also applies to facilities implementing corrective action under RCRA~~
22 ~~Section 3008(h).~~

23 (C) ~~Notwithstanding Part (B) of this definition, a remediation waste management site is not a~~
24 ~~facility that is subject to 40 CFR 264.101, but is subject to corrective action requirements if~~
25 ~~the site is located within such a facility.~~

26 (2) ~~"Transfer facility" means any transportation related facility including loading docks, parking areas,~~
27 ~~storage areas and other similar areas where shipments of hazardous waste are held during the normal~~
28 ~~course of transportation.~~

29 ~~(4)~~ "Contained" means held in a unit (including a land-based unit as defined in this subpart) that meets the
30 following criteria:

31 ~~(A)~~ (1) The unit is in good condition, with no leaks or other continuing or intermittent unpermitted
32 releases of the hazardous secondary materials or hazardous constituents originating from the
33 hazardous secondary materials to the environment, and is designed, as appropriate for the
34 hazardous secondary materials, to prevent releases of hazardous secondary materials to the
35 environment. Unpermitted releases are releases that are not covered by a permit (such as a
36 permit to discharge to water or air) and may include, but are not limited to, releases through
37 surface transport by precipitation

1 runoff, releases to soil and groundwater, windblown dust, fugitive air emissions, and
2 catastrophic unit failures;

3 ~~(B)~~(2) The unit is properly labeled or otherwise has a system (such as a log) to immediately identify
4 the hazardous secondary materials in the unit; and

5 ~~(C)~~(3) The unit holds hazardous secondary materials that are compatible with other hazardous
6 secondary materials placed in the unit and is compatible with the materials used to construct
7 the unit and addresses any potential risks of fires or explosions.

8 ~~(D)~~(4) Hazardous secondary materials in units that meet the applicable requirements of 40 CFR
9 parts 264 or 265 are presumptively contained.

10 (d) The following additional definitions shall apply throughout this Subchapter:

- 11 (1) "Section" means the Hazardous Waste Section, in the Division of Waste Management, Department of
12 ~~Environment and Natural Resources~~ Environmental Quality.
- 13 (2) The "Department" means the Department of ~~Environment and Natural Resources (DENR)~~
14 Environmental Quality (DEQ).
- 15 (3) "Division" means the Division of Waste Management (DWM).
- 16 (4) "Long Term Storage" means the containment of hazardous waste for an indefinite period of time in a
17 facility designed to be closed with the hazardous waste in place.
- 18 (5) "Off-site Recycling Facility" means any facility that receives shipments of hazardous waste from
19 off-site to be recycled or processed for recycling through any process conducted at the facility, but
20 does not include any facility owned or operated by a generator of hazardous waste solely to
21 recycle their own waste.

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23 *History Note:* Authority G.S. 130A 294(c); 150B-21.6;
24 Eff. September 1, 1979;
25 Amended Eff. June 1, 1989; June 1, 1988; February 1, 1987; October 1, 1986;
26 Transferred and Recodified from 10 NCAC 10F .0002 Eff. April 4, 1990;
27 Amended Eff. April 1, 1993; October 1, 1990; August 1, 1990;
28 Recodified from 15A NCAC 13A .0002 Eff. December 20, 1996;
29 Amended Eff. August 1, 2000;
30 Temporary Amendment Eff. January 1, 2009;
31 Amended Eff. July 1, 2010;
32 Temporary Amendment Eff. December 1, 2015.
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