

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 13A .0101

**DEADLINE FOR RECEIPT: Friday, June 10, 2016**

**NOTE WELL:** *This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

*Lines 17 thru 19, what is the purpose of this clause? It does not read clearly and appears to deviate the meaning without guidance. Please clarify.*

*Line 23 thru 24, what is meant by "other applicable North Carolina General Statutes"? Please specify or delete the clause*

*Line 25, delete the clause "where required by context"*

*Line 31, please consider moving the comma within the quotation marks to be consistent with line 29*

*Line 34, replace "must" with "shall"*

*Page 2, line 3, is this incorporation language supposed to be applicable to the entire Subchapter? Please think about adding language to clarify that any references within the Subchapter to CFRs is incorporated by reference under this Rule.*

*Page 2, line 10, please add the website where this information is obtainable for free*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Abigail M. Hammond  
Commission Counsel  
Date submitted to agency: Thursday, May 26, 2016

1 15A NCAC 13A .0101 is amended with changes as published in 30:12 NCR 1282 as follows:

2  
3 **15A NCAC 13A .0101 GENERAL**

4 (a) The Hazardous Waste Section of the Division of Waste Management shall administer the hazardous waste  
5 management program for the State of North Carolina.

6 (b) In applying the federal requirements incorporated by reference throughout this Subchapter, the following  
7 substitutions or exceptions shall apply:

8 (1) ~~"Department of Environment and Natural Resources" shall be substituted for "Environmental~~  
9 ~~Protection Agency" except in 40 CFR 262.51 through 262.54, 262.56, 262.57, and Part 124 where~~  
10 ~~references to the Environmental Protection Agency shall remain without substitution;~~

11 (2) ~~"Secretary of the Department of Environment and Natural Resources" shall be substituted for~~  
12 ~~"Administrator," "Regional Administrator," "Assistant Administrator" and "Director" except for 40~~  
13 ~~CFR 262.55 through 262.57, 264.12(a), 268.5, 268.6, 268.42(b), 268.44, and Part 124 where the~~  
14 ~~references to the Administrator, Regional Administrator, Assistant Administrator and Director shall~~  
15 ~~remain without substitution.~~

16 When used in any of the federal regulations incorporated by reference throughout this Subchapter, except  
17 where the context requires references to remain without substitution (including with regard to forms,  
18 publications and regulations concerning international shipments, variances from land disposal restrictions  
19 and other program areas over which the federal government retains sole authority): "United States" shall  
20 mean the State of North Carolina; "Environmental Protection Agency," "EPA" and "Agency" shall mean  
21 the Department of Environmental Quality; and "Administrator," "Regional Administrator,"  
22 "Assistant Administrator" and "Director" shall mean the Secretary of the Department of Environmental  
23 Quality. The North Carolina Solid Waste Management Act and other applicable North Carolina  
24 General Statutes shall be substituted for references to "the Solid Waste Disposal Act," "the Resource  
25 Conservation and Recovery Act" and "RCRA" where required by context.

26 (c) In the event that there are inconsistencies or duplications in the requirements of those Federal rules incorporated by  
27 reference throughout this Subchapter and the State rules set out in this Subchapter, the provisions incorporated by  
28 reference shall prevail except where the State rules are more stringent.

29 (d) 40 CFR 260.1 through 260.3 (Subpart A), "General," are incorporated by reference including subsequent  
30 amendments and editions.

31 (e) 40 CFR 260.11, "References", is incorporated by reference including subsequent amendments and editions.

32 (f) Copies of all materials in this Subchapter may be inspected or obtained as follows:

33 (1) Persons interested in receiving rule-making notices concerning the North Carolina Hazardous Waste  
34 Management Rules must submit a written request to the Hazardous Waste Section, ~~PO Box 29603,~~  
35 1646 Mail Services Center, Raleigh, N.C. 27611-9603. 27699-1646. A check in the amount of fifteen  
36 dollars (\$15.00) made payable to The Hazardous Waste Section must be enclosed with each request.

1 Upon receipt of each request, individuals shall be placed on a mailing list to receive ~~notices for one~~  
2 ~~year.~~ notices.

- 3 (2) Material incorporated by reference in the Federal Register may be obtained from the ~~Superintendent of~~  
4 ~~Documents, U.S. Government Printing Office, Washington, D.C. 20402~~ at a cost of seven hundred and  
5 sixty four dollars (\$764.00) per year. ~~Federal Register materials are codified once a year in the Code~~  
6 ~~of Federal Regulations and may be obtained at the above address for a cost of: 40 CFR 100-135 forty~~  
7 ~~two dollars (\$42.00), 40 CFR 260-265 forty seven dollars (\$47.00) and 40 CFR 266-299, forty seven~~  
8 ~~dollars (\$47.00), total one hundred thirty six dollars (\$136.00)~~ U. S. Government Bookstore's website  
9 at <https://bookstore.gpo.gov/products/sku/769-004-00000-9?ctid=> for a cost of nine hundred twenty  
10 nine dollars (\$929.00).

- 11 (3) The North Carolina Hazardous Waste Management Rules, ~~including the incorporated by reference~~  
12 ~~materials~~ may be obtained from the Hazardous Waste Section at the cost to the Section.

- 13 (4) All material is available for inspection at the Department of Environmental Quality, Hazardous Waste  
14 Section, ~~401 Oberlin Road, 217 West Jones Street, Raleigh, NC. NC and at~~  
15 <http://portal.ncdenr.org/web/wm/hw/rules/statelaws> [http://deq.nc.gov/about/divisions/waste-](http://deq.nc.gov/about/divisions/waste-management/waste-management-rules/hazardous-waste-rules)  
16 [management/waste-management-rules/hazardous-waste-rules.](http://deq.nc.gov/about/divisions/waste-management/waste-management-rules/hazardous-waste-rules)

17  
18 *History Note:* Authority G.S. 130A-294(c); 150B-21.6;  
19 Eff. September 1, 1979;  
20 Amended Eff. June 1, 1989; June 1, 1988; August 1, 1987; May 1, 1987;  
21 Transferred and Recodified from 10 NCAC 10F .0001 Eff. April 4, 1990;  
22 Amended Eff. October 1, 1993; April 1, 1993; October 1, 1992; December 1, 1991;  
23 Recodified from 15A NCAC 13A .0001 Eff. December 20, 1996;  
24 Amended Eff. July 1, 2016; August 1, 2004; August 1, 2000; August 1, 1998; August 1, 1997.  
25

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 13A .0102

**DEADLINE FOR RECEIPT: Friday, June 10, 2016**

**NOTE WELL:** *This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

*Line 5, please place the term "Definitions," within quotation marks*

*Line 6, uncapitalize "Definitions" as it appears to be a general use of the term*

*Lines 6 and 7, please consider moving the commas within the quotation marks*

*Line 31, and page 2, lines 3, 5, and 8, uncapitalize the first term of each clause, as this appears to be list*

*Line 31, what is meant by "good condition"? Who is making this determination and how is the determination made? Please clarify.*

*Line 35, please place the clause "Unpermitted releases" within quotation marks*

*Line 35, replace "are" with "means"*

*Line 36, delete the comma after "include"*

*Line 36, delete "but are not limited to,"*

*Line 37, is the text formatting correct? Should "runoff" be closer to "precipitation"?*

*Page 2, line 3, define or delete "properly"*

*Page 2, line 3, define or delete "immediately"*

*Page 2, lines 3 thru 9, is the use of "and" on line 4 correct? Should it be on line 7? Is line 8 thru 9 part of this list or should it be move towards with left without a number? Please clarify.*

Abigail M. Hammond  
Commission Counsel

Date submitted to agency: Thursday, May 26, 2016

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Abigail M. Hammond  
Commission Counsel  
Date submitted to agency: Thursday, May 26, 2016

1 15A NCAC 13A .0102 is amended as published in 30:12 NCR 1282-1283 as follows:

2  
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 "Contained" means held in a unit (including a land-based unit as defined in this subpart) that meets the  
30 following criteria:

31 (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 (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 (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 (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.

22  
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;*  
33 *Amended Eff. July 1, 2016.*  
34

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 13A .0103

**DEADLINE FOR RECEIPT: Friday, June 10, 2016**

**NOTE WELL:** *This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

*Line 6, add "Paragraph (c) of" between "in this"*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Abigail M. Hammond  
Commission Counsel  
Date submitted to agency: Thursday, May 26, 2016



1 15A NCAC 13A .0103 is amended as published in 30:12 NCR 1283 as follows:

2  
3 **15A NCAC 13A .0103 PETITIONS PART 260**

4 (a) All rulemaking petitions for changes in this Subchapter shall be made in accordance with ~~15A NCAC 24B .0101~~, 15A  
5 NCAC 02I .0501.

6 (b) In applying the federal requirements incorporated by reference in this Rule, "~~15A NCAC 24B .0101~~" 15A NCAC  
7 02I .0501 shall be substituted for references to 40 CFR 260.20.

8 (c) 40 CFR 260.21 through 260.43 (Subpart C), "Rulemaking Petitions," are incorporated by reference including  
9 subsequent amendments and ~~editions, editions. except that 40 CFR 260.30(d), 260.30(e), 260.33(e), 260.34, 260.42 and~~  
10 ~~260.43 are not incorporated by reference.~~

11  
12 *History Note: Authority G.S. 130A-294(c); 150B-21.6;*

13 *Eff. November 19, 1980;*

14 *Amended Eff. June 1, 1988; May 1, 1987; January 1, 1986; October 1, 1985;*

15 *Transferred and Recodified from 10 NCAC 10F .0028 Eff. April 4, 1990;*

16 *Amended Eff. April 1, 1993; November 1, 1991; October 1, 1990;*

17 *Recodified from 15A NCAC 13A .0003 Eff. December 20, 1996;*

18 *Amended Eff. August 1, 2000;*

19 *Temporary Amendment Eff. January 1, 2009;*

20 *Amended Eff. July 1, 2010;*

21 *Temporary Amendment Eff. December 1, 2015;*

22 *Amended Eff. July 1, 2016.*

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 13A .0106

**DEADLINE FOR RECEIPT: Friday, June 10, 2016**

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The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

*Lines 4, 8, and 23, please consider moving the commas within the quotation marks. Alternatively, please consider just deletion of the commas to be consistent with the remainder of this Rule.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Abigail M. Hammond  
Commission Counsel  
Date submitted to agency: Thursday, May 26, 2016

1 15A NCAC 13A .0106 is amended as published in 30:12 NCR 1284 as follows:

2  
3 **15A NCAC 13A .0106 IDENTIFICATION AND LISTING OF HAZARDOUS WASTES - PART 261**

4 (a) 40 CFR 261.1 through 261.9 (Subpart A), "General", are incorporated by reference including subsequent  
5 amendments and ~~editions, editions, except that 40 CFR 261.2(a)(2)(ii) and 40 CFR 261.4(a)(23), 261.4(a)(24), and~~  
6 ~~261.4(a)(25) are not incorporated by reference.~~

7 (b) 40 CFR 261.10 through 261.11 (Subpart B), "Criteria for Identifying the Characteristics of Hazardous Waste and for  
8 Listing Hazardous Waste", are incorporated by reference including subsequent amendments and editions.

9 (c) 40 CFR 261.20 through 261.24 (Subpart C), "Characteristics of Hazardous Waste" are incorporated by reference  
10 including subsequent amendments and editions.

11 (d) 40 CFR 261.30 through 261.37 (Subpart D), "Lists of Hazardous Wastes" are incorporated by reference including  
12 subsequent amendments and editions.

13 (e) 40 CFR 261.38 through 261.41 (Subpart E), "Exclusions/Exemptions" are incorporated by reference including  
14 subsequent amendments and editions.

15 (f) 40 CFR 261.140 through 261.151 (Subpart H), "Financial Requirements for Management of Excluded Hazardous  
16 Secondary Materials" are incorporated by reference including subsequent amendments and editions.

17 (g) 40 CFR 261.170 through 261.179 (Subpart I), "Use and Management of Containers" are incorporated by reference  
18 including subsequent amendments and editions.

19 (h) 40 CFR 261.190 through 261.200 (Subpart J) "Tank Systems" are incorporated by reference including subsequent  
20 amendments and editions.

21 (i) 40 CFR 261.400 through 261.420 (Subpart M), "Emergency Preparedness and Response for Management of Excluded  
22 Hazardous Secondary Materials" are incorporated by reference including subsequent amendments and editions.

23 (j) 40 CFR 261.1030 through 261.1049 (Subpart AA) "Air Emission Standards for Process Vents", are incorporated by  
24 reference including subsequent amendments and editions.

25 (k) 40 CFR 261.1050 through 261.1079 (Subpart BB) "Air Emission Standards for Equipment Leaks" are incorporated  
26 by reference including subsequent amendments and editions.

27 (l) 40 CFR 261.1080 through 261.1090 (Subpart CC) "Air Emission Standards for Tanks and Containers" are  
28 incorporated by reference including subsequent amendments and editions.

29 ~~(m)~~ (m) The Appendices to 40 CFR Part 261 are incorporated by reference including subsequent amendments and  
30 editions.

31  
32 *History Note: Authority G.S. 130A-294(c); 150B-21.6;*  
33 *Eff. November 19, 1980;*  
34 *Amended Eff. June 1, 1988; February 1, 1988; December 1, 1987;*  
35 *August 1, 1987;*  
36 *Transferred and Recodified from 10 NCAC 10F .0029 Eff. April 4, 1990;*  
37 *Recodified from 15A NCAC 13A .0007 Eff. August 30, 1990;*

1                   *Amended Eff. January 1, 1996; April 1, 1993; February 1, 1992;*  
2                   *December 1, 1990;*  
3                   *Recodified from 15A NCAC 13A .0006 Eff. December 20, 1996;*  
4                   *Amended Eff. April 1, 2007; August 1, 2000;*  
5                   *Temporary Amendment Eff. January 1, 2009;*  
6                   *Amended Eff. July 1, 2010;*  
7                   *Temporary Amendment Eff. December 1, 2015;*  
8                   *Amended Eff. July 1, 2016.*  
9

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 13A .0107

**DEADLINE FOR RECEIPT: Friday, June 10, 2016**

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The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

*Lines 4, 6, 8, 10, 13, 15, 19, and 22, please consider moving the commas within the quotation marks. Alternatively, please consider just deletion of the commas to be consistent with the remainder of this Rule.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Abigail M. Hammond  
Commission Counsel  
Date submitted to agency: Thursday, May 26, 2016

1 15A NCAC 13A .0107 is amended as published in 30:12 NCR 1284 as follows:

2  
3 **15A NCAC 13A .0107 STDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE - PART 262**

4 (a) 40 CFR 262.10 through 262.12 (Subpart A), "General", are incorporated by reference including subsequent  
5 amendments and editions.

6 (b) 40 CFR 262.20 through 262.27 (Subpart B), "The Manifest", are incorporated by reference including subsequent  
7 amendments and editions editions, ~~except that 262.24, 262.25, and 262.26 are not incorporated by reference.~~

8 (c) 40 CFR 262.30 through 262.34 (Subpart C), "Pre-Transport Requirements", are incorporated by reference including  
9 subsequent amendments and editions.

10 (d) 40 CFR 262.40 through 262.44 (Subpart D), "Recordkeeping and Reporting", are incorporated by reference including  
11 subsequent amendments and editions. In addition, a generator shall keep records of inspections and results of inspections  
12 required by Section 262.34 for at least three years from the date of the inspection.

13 (e) 40 CFR 262.50 through 262.58 (Subpart E), "Exports of Hazardous Waste", are incorporated by reference including  
14 subsequent amendments and editions.

15 (f) 40 CFR 262.60 (Subpart F), "Imports of Hazardous Waste", is incorporated by reference including subsequent  
16 amendments and editions.

17 (g) 40 CFR 262.70 (Subpart G), "Farmers" is incorporated by reference including subsequent amendments and editions.

18 (h) 40 CFR 262.80 through 262.89 (Subpart H), "Transfrontier Shipments of Hazardous Waste for Recovery within the  
19 OECD", are incorporated by reference including subsequent amendments and editions, except that 40 CFR 262.89(e) is  
20 not incorporated by reference.

21 (i) 40 CFR 262.200 through 262.216 (Subpart K), "Alternative Requirements for Hazardous Waste Determination and  
22 Accumulation of Unwanted Material for Laboratories Owned by Eligible Academic Entities", is incorporated by  
23 reference including subsequent amendments and editions.

24 (j) The appendix to 40 CFR Part 262 is incorporated by reference including subsequent amendments and editions.  
25

26 *History Note: Authority G.S. 130A-294(c); 150B-21.6;*

27 *Eff. November 19, 1980;*

28 *Amended Eff. December 1, 1988; June 1, 1988; August 1, 1987; May 1, 1987;*

29 *Transferred and Recodified from 10 NCAC 10F .0030 Eff. April 4, 1990;*

30 *Amended Eff. August 1, 1990;*

31 *Recodified from 15A NCAC 13A .0008 Eff. August 30, 1990;*

32 *Amended Eff. April 1, 1993; October 1, 1990;*

33 *Recodified from 15A NCAC 13A .0007 Eff. December 20, 1996;*

34 *Amended Eff. July 1, 2016; April 1, 2010; November 1, 2007; January 1, 2007; April 1, 2001; August*  
35 *1, 1998.*  
36

## REQUEST FOR TECHNICAL CHANGE

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 13A .0108

**DEADLINE FOR RECEIPT: Friday, June 10, 2016**

**NOTE WELL:** *This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

*Please add lines numbers to this Rule in accordance with [26 NCAC 02C .0108\(1\)\(f\)](#)*

*Paragraphs (a), (b), and (e), please consider moving the commas within the quotation marks. Alternatively, please consider just deletion of the commas to be consistent with the remainder of this Rule.*

*Paragraph (c), replace both of the "must" with "shall"*

*Paragraph (c), define or delete "immediately"*

*Paragraph (d), please place the phrase "Manifest discrepancies" within quotation marks*

*Paragraph (d), replace "are" with "means" between "discrepancies" and "differences"*

*Paragraph (d), replace "are" with "shall be as follows" after "quantity"*

*Paragraph (d), replace "which can" with "that may"*

*Add a line between the rule text and the history note*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Abigail M. Hammond  
Commission Counsel  
Date submitted to agency: Thursday, May 26, 2016

15A NCAC 13A .0108 is amended as published in 30:12 NCR 1284-1285 as follows:

**15A NCAC 13A .0108 STDS APPLICABLE TO TRANSPORTERS OF HAZARDOUS WASTE - PART 263**

- (a) 40 CFR 263.10 through 263.12 (Subpart A), "General", are incorporated by reference including subsequent amendments and editions.
- (b) 40 CFR 263.20 through ~~263.22~~ 263.25 (Subpart B), "Compliance With the Manifest System and Record keeping", are incorporated by reference including subsequent amendments and editions.
- (c) Upon discovering a significant manifest discrepancy, the transporter must attempt to reconcile the discrepancy with the waste generator (e.g. with telephone conversations). If the discrepancy is not resolved within 15 days after receiving the waste, the transporter must immediately submit to the Department a letter describing the discrepancy and attempts to reconcile it with a copy of the manifest or shipping paper at issue.
- (d) Manifest discrepancies are differences between the quantity or type of hazardous waste designated on the manifest or shipping paper, and the quantity or type of hazardous waste a transporter actually transports. Significant discrepancies in quantity are: for bulk waste, variations greater than 10 percent in weight; and, for batch waste, any variation in piece count (e.g. a discrepancy of one drum in a truckload). Significant discrepancies in type are obvious differences which can be discovered by inspection or waste analysis (e.g. waste solvent substituted for waste acid, or toxic constituents not reported on the manifest or shipping paper).
- (e) 40 CFR 263.30 through 263.31 (Subpart C), "Hazardous Waste Discharges", are incorporated by reference including subsequent amendments and editions.

*History Note: Authority G.S. 130A-294(c); 150B-21.6;*

*Eff. November 19, 1980;*

*Amended Eff. June 1, 1988; August 1, 1987; May 1, 1987; October 1, 1986;*

*Transferred and Recodified from 10 NCAC 10F .0031 Eff. April 4, 1990;*

*Recodified from 15A NCAC 13A .0009 Eff. August 30, 1990;*

*Amended Eff. April 1, 1993; October 1, 1990;*

*Recodified from 15A NCAC 13A .0008 Eff. December 20, 1996;*

*Amended Eff. July 1, 2016; August 1, 2000.*