

G.S. 150B-21.3A Report for 15A NCAC 13B, SOLID WASTE MANAGEMENT								
Agency - Environmental Management Commission								
Comment Period - July 15 - September 20, 2016								
Date Submitted to APO - Filled in by RRC staff								
Rule Section	Rule Citation	Rule Name	Date and Last Agency Action on the Rule	Agency Determination [150B-21.3A(c)(1)a]	Implements or Conforms to Federal Regulation [150B-21.3A(e)]	Federal Regulation Citation	Public Comment Received [150B-21.3A(c)(1)]	Agency Determination Following Public Comment [150B-21.3A(c)(1)]
SECTION .0100 - GENERAL PROVISIONS	15A NCAC 13B .0101	DEFINITIONS	Amended Eff. August 1, 2008	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	15A NCAC 13B .0102	APPLICABILITY	Amended Eff. February 1, 1991	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	15A NCAC 13B .0103	GENERAL CONDITIONS	Amended Eff. October 1, 1995	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	15A NCAC 13B .0104	SOLID WASTE STORAGE	Amended Eff. February 1, 1988	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	15A NCAC 13B .0105	COLLECTION AND TRANSPORTATION OF SOLID WASTE	Amended Eff. February 1, 1988	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	15A NCAC 13B .0106	GENERATOR OF SOLID WASTE	Eff. January 1, 1985	Necessary with substantive public interest	No		No	Necessary with substantive public interest
SECTION .0200 - PERMITS FOR SOLID WASTE MANAGEMENT FACILITIES	15A NCAC 13B .0201	PERMIT REQUIRED	Amended Eff. September 1, 2016	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	15A NCAC 13B .0202	PERMIT APPLICATION	Amended Eff. January 4, 1993	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	15A NCAC 13B .0203	PERMIT APPROVAL OR DENIAL	Amended Eff. August 1, 2008	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	15A NCAC 13B .0204	RECORDATION OF LAND DISPOSAL PERMITS	Eff. April 1, 1982	Necessary with substantive public interest	No		No	Necessary with substantive public interest
SECTION .0300 - TREATMENT AND PROCESSING FACILITIES	15A NCAC 13B .0301	APPLICATION REQUIREMENTS	Amended Eff. February 1, 1991	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	15A NCAC 13B .0302	OPERATIONAL REQUIREMENTS	Eff. April 1, 1982	Necessary with substantive public interest	No		No	Necessary with substantive public interest
SECTION .0400 - TRANSFER FACILITIES	15A NCAC 13B .0401	APPLICATION REQUIREMENTS	Amended Eff. February 1, 1991	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	15A NCAC 13B .0402	OPERATIONAL REQUIREMENTS	Eff. April 1, 1982	Necessary with substantive public interest	No		No	Necessary with substantive public interest
SECTION .0500 - DISPOSAL SITES	15A NCAC 13B .0501	APPROVED DISPOSAL METHODS	Amended Eff. October 9, 1993	Necessary with substantive public interest	No		No	Necessary with substantive public interest

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	15A NCAC 13B .0502	OPEN DUMPS	Amended Eff. August 1, 2008	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	15A NCAC 13B .0503	SITING AND DESIGN REQUIREMENTS FOR DISPOSAL SITES	Amended Eff. October 1, 1995	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	15A NCAC 13B .0504	APPLICATION REQUIREMENTS FOR SANITARY LANDFILLS	Amended Eff. July 1, 2013	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	15A NCAC 13B .0505	OPERATIONAL REQUIREMENTS FOR SANITARY LANDFILLS	Amended Eff. September 1, 1990	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	15A NCAC 13B .0508	APPLICATION REQUIREMENTS FOR INCINERATORS	Amended Eff. February 1, 1991	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	15A NCAC 13B .0509	OPERATIONAL REQUIREMENTS FOR INCINERATORS	Amended Eff. September 1, 1990	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	15A NCAC 13B .0510	CLOSURE CONDITIONS	Amended Eff. September 1, 1990	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	15A NCAC 13B .0531	PURPOSE, SCOPE, AND APPLICABILITY FOR CONSTRUCTION AND DEMOLITION LANDFILLS	Eff. January 1, 2007	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	15A NCAC 13B .0532	DEFINITIONS FOR C&DLF FACILITIES	Eff. January 1, 2007	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	15A NCAC 13B .0533	GENERAL APPLICATION REQUIREMENTS AND PROCESSING FOR C&DLF FACILITIES	Eff. January 1, 2007	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	15A NCAC 13B .0534	GENERAL REQUIREMENTS FOR C&DLF FACILITIES AND UNITS	Eff. January 1, 2007	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	15A NCAC 13B .0535	APPLICATION REQUIREMENTS FOR C&DLF FACILITIES	Eff. January 1, 2007	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	15A NCAC 13B .0536	SITE STUDY FOR C&DLF FACILITIES	Eff. January 1, 2007	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	15A NCAC 13B .0537	FACILITY PLAN FOR C&DLFs	Eff. January 1, 2007	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	15A NCAC 13B .0538	GEOLOGIC AND HYDROGEOLOGIC INVESTIGATIONS FOR C&DLF FACILITIES	Eff. January 1, 2007	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	15A NCAC 13B .0539	ENGINEERING PLAN FOR C&DLF FACILITIES	Eff. January 1, 2007	Necessary with substantive public interest	No		No	Necessary with substantive public interest

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	15A NCAC 13B .0540	CONSTRUCTION REQUIREMENTS FOR C&DLF FACILITIES	Eff. January 1, 2007	Necessary with substantive public interest	No		Yes	Necessary with substantive public interest
	15A NCAC 13B .0541	CONSTRUCTION QUALITY ASSURANCE FOR C&DLF FACILITIES	Eff. January 1, 2007	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	15A NCAC 13B .0542	OPERATION PLAN AND REQUIREMENTS FOR C&DLF FACILITIES	Eff. January 1, 2007	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	15A NCAC 13B .0543	CLOSURE AND POST-CLOSURE REQUIREMENTS FOR C&DLF FACILITIES	Eff. January 1, 2007	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	15A NCAC 13B .0544	MONITORING PLANS AND REQUIREMENTS FOR C&DLF FACILITIES	Eff. January 1, 2007	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	15A NCAC 13B .0545	ASSESSMENT AND CORRECTIVE ACTION PROGRAM FOR C&DLF FACILITIES AND UNITS	Eff. January 1, 2007	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	15A NCAC 13B .0546	FINANCIAL ASSURANCE REQUIREMENTS FOR C&DLF FACILITIES AND UNITS	Eff. January 1, 2007	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	15A NCAC 13B .0547	EXISTING C&DLF UNITS AS OF JANUARY 1, 2007	Eff. January 1, 2007	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	15A NCAC 13B .0560	LAND CLEARING AND INERT DEBRIS (LCID) LANDFILLS	Eff. January 4, 1993	Unnecessary	No		No	Unnecessary
	15A NCAC 13B .0562	BENEFICIAL FILL	Eff. January 4, 1993	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	15A NCAC 13B .0563	APPLICABILITY REQ. FOR LAND CLEARING/INERT DEBRIS (LCID) LANDFILLS	Eff. January 4, 1993	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	15A NCAC 13B .0564	SITING CRITERIA FOR LAND CLEARING AND INERT DEBRIS (LCID) LANDFILLS	Eff. January 4, 1993	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	15A NCAC 13B .0565	APPLICATION REQUIREMENTS FOR LAND CLEARING/INERT DEBRIS (LCID) LANDFILLS	Eff. January 4, 1993	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	15A NCAC 13B .0566	OPERATIONAL REQ. FOR LAND CLEARING/INERT DEBRIS (LCID) LANDFILLS	Eff. January 4, 1993	Necessary with substantive public interest	No		No	Necessary with substantive public interest
SECTION .0600 - MONITORING REQUIREMENTS	15A NCAC 13B .0601	GROUND-WATER MONITORING	Amended Eff. September 1, 1990	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	15A NCAC 13B .0602	SURFACE WATER MONITORING	Eff. April 1, 1982	Necessary with substantive public interest	No		No	Necessary with substantive public interest

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SECTION .0700 - ADMINISTRATIVE PENALTY PROCEDURES	15A NCAC 13B .0701	ADMINISTRATIVE PENALTIES	Amended Eff. September 1, 1990	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	15A NCAC 13B .0702	STANDARDS	Amended Eff. September 1, 1990	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	15A NCAC 13B .0703	PROCEDURE FOR ASSESSMENT: REVOCATION OF PERMIT	Amended Eff. May 1, 1987	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	15A NCAC 13B .0704	PAYMENTS: HEARING	Amended Eff. September 1, 1990	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	15A NCAC 13B .0705	STAY OF PENALTY ASSESSMENT	Amended Eff. May 1, 1987	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	15A NCAC 13B .0706	WAIVER OF ADMINISTRATIVE HEARING	Amended Eff. May 1, 1987	Necessary with substantive public interest	No		No	Necessary with substantive public interest
SECTION .0800 - SEPTAGE MANAGEMENT	15A NCAC 13B .0830	INCORPORATION BY REFERENCE	Eff. October 1, 2009	Necessary without substantive public interest	Yes If yes, include the citation to the federal law	40 CFR 257, 40 CFR 503	No	Necessary without substantive public interest
	15A NCAC 13B .0831	DEFINITIONS	Eff. October 1, 2009	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	40 CFR 503	Yes	Necessary with substantive public interest
	15A NCAC 13B .0832	GENERAL PROVISIONS	Amended Eff. January 1, 2014	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	15A NCAC 13B .0833	SEPTAGE MANAGEMENT FIRM PERMITS	Eff. November 1, 2009	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	15A NCAC 13B .0834	PERMIT FEES	Eff. October 1, 2009	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	15A NCAC 13B .0835	SEPTAGE LAND APPLICATION SITE PERMITS	Eff. April 1, 2010	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	15A NCAC 13B .0836	SEPTAGE DETENTION AND TREATMENT FACILITY PERMITS	Eff. April 1, 2010	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	15A NCAC 13B .0837	LOCATION OF SEPTAGE LAND APPLICATION SITES	Eff. October 1, 2009	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	15A NCAC 13B .0838	MANAGEMENT OF SEPTAGE LAND APPLICATION SITES	Eff. October 1, 2009	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	40 CFR 257, 40 CFR 503	No	Necessary with substantive public interest
	15A NCAC 13B .0839	RECORD KEEPING FOR SEPTAGE MANAGEMENT FIRMS	Eff. October 1, 2009	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	15A NCAC 13B .0840	SAMPLING AND ANALYSIS	Eff. October 1, 2009	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	40 CFR 257, 40 CFR 503	No	Necessary with substantive public interest

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	15A NCAC 13B .0841	STANDARDS FOR SEPTAGE DETENTION AND TREATMENT FACILITES	Eff. April 1, 2010	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	15A NCAC 13B .0842	INNOVATIVE OR ALTERNATIVE TREATMENT OR STORAGE METHODS	Eff. April 1, 2010	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	15A NCAC 13B .0843	LAND USE AND SITE CLOSURE	Eff. October 1, 2009	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	40 CFR 503	No	Necessary with substantive public interest
	15A NCAC 13B .0844	TRANSPORTATION OF SEPTAGE	Eff. October 1, 2009	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	15A NCAC 13B .0845	REVOCAION OF PERMITS	Eff. October 1, 2009	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	15A NCAC 13B .0846	APPEALS	Eff. October 1, 2009	Necessary with substantive public interest	No		No	Necessary with substantive public interest
SECTION .1000 - SOLID WASTE MANAGEMENT LOAN PROGRAM	15A NCAC 13B .1001	DEFINITIONS	Eff. November 1, 1990	Unnecessary	No		No	Unnecessary
	15A NCAC 13B .1002	APPLICATION	Eff. November 1, 1990	Unnecessary	No		No	Unnecessary
	15A NCAC 13B .1003	ELIGIBLE PURPOSES	Eff. November 1, 1990	Unnecessary	No		No	Unnecessary
	15A NCAC 13B .1004	SCREENING OF APPLICATION	Eff. November 1, 1990	Unnecessary	No		No	Unnecessary
	15A NCAC 13B .1005	PRIORITY FACTORS	Eff. November 1, 1990	Unnecessary	No		No	Unnecessary
SECTION .1100 - SCRAP TIRE MANAGEMENT	15A NCAC 13B .1101	DEFINITIONS	Eff. October 1, 1990	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	15A NCAC 13B .1102	APPLICATION FEE AND ANNUAL PERMIT FEE	Eff. October 1, 1990	Necessary with substantive public interest	No		Yes	Necessary with substantive public interest
	15A NCAC 13B .1103	GENERATOR OF SCRAP TIRES	Eff. October 1, 1990	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	15A NCAC 13B .1104	GENERAL CONDITIONS	Eff. October 1, 1990	Necessary with substantive public interest	No		Yes	Necessary with substantive public interest
	15A NCAC 13B .1105	PERMIT REQUIRED	Eff. October 1, 1990	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	15A NCAC 13B .1106	SCRAP TIRE COLLECTION SITE PERMIT REQUIREMENTS	Eff. October 1, 1990	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	15A NCAC 13B .1107	SCRAP TIRE COLLECTION SITE OPERATIONAL REQUIREMENTS	Eff. October 1, 1990	Necessary with substantive public interest	No		Yes	Necessary with substantive public interest
	15A NCAC 13B .1108	SCRAP TIRE DISPOSAL SITE PERMIT AND OPERATIONAL REQUIREMENTS	Eff. October 1, 1990	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	15A NCAC 13B .1109	CLOSURE OF NON-CONFORMING SITES	Eff. October 1, 1990	Necessary with substantive public interest	No		No	Necessary with substantive public interest

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	15A NCAC 13B .1110	SCRAP TIRE PROCESSING FACILITIES	Eff. October 1, 1990	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	15A NCAC 13B .1111	FINANCIAL RESPONSIBILITY REQUIREMENTS	Eff. October 1, 1990	Necessary with substantive public interest	No		Yes	Necessary with substantive public interest
	15A NCAC 13B .1112	SCRAP TIRE HAULER REQUIREMENTS	Eff. October 1, 1990	Unnecessary	No		No	Unnecessary
SECTION .1200 - MEDICAL WASTE MANAGEMENT	15A NCAC 13B .1201	DEFINITIONS	Amended Eff. April 1, 1993	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	15A NCAC 13B .1202	GENERAL REQUIREMENTS FOR MEDICAL WASTE	Amended Eff. January 4, 1993	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	15A NCAC 13B .1203	GENERAL REQUIREMENTS FOR REGULATED MEDICAL WASTE	Amended Eff. April 1, 1993	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	15A NCAC 13B .1204	REQUIREMENTS FOR GENERATORS OF REGULATED MEDICAL WASTE	Amended Eff. October 1, 1992	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	15A NCAC 13B .1205	REQUIREMENTS FOR TRANSPORTERS OF REGULATED MEDICAL WASTE	Eff. October 1, 1990	Necessary with substantive public interest	No		Yes	Necessary with substantive public interest
	15A NCAC 13B .1206	REQUIREMENTS FOR STORAGE OF REGULATED MEDICAL WASTE	Eff. October 1, 1990	Necessary with substantive public interest	No		Yes	Necessary with substantive public interest
	15A NCAC 13B .1207	OPERATIONAL REQ/REGULATED MEDICAL WASTE TREATMENT FACILITIES	Amended Eff. April 1, 1993	Necessary with substantive public interest	No		Yes	Necessary with substantive public interest
SECTION .1300 - DISPOSITION OF FETAL REMAINS	15A NCAC 13B .1301	MANNER OF DISPOSITION OF FETAL REMAINS	Amended Eff. April 1, 1999	Necessary with substantive public interest	No		No	Necessary with substantive public interest
SECTION .1400 - SOLID WASTE COMPOST FACILITIES	15A NCAC 13B .1401	REQUIREMENT FOR PERMIT	Amended Eff. May 1, 1996	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	15A NCAC 13B .1402	GENERAL PROVISIONS FOR SOLID WASTE COMPOST FACILITIES	Amended Eff. May 1, 1996	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	15A NCAC 13B .1403	GENERAL PROHIBITIONS FOR SOLID WASTE COMPOST FACILITIES	Amended Eff. May 1, 1996	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	15A NCAC 13B .1404	SITING/DESIGN REQUIREMENTS FOR SOLID WASTE COMPOST FACILITIES	Amended Eff. May 1, 1996	Necessary with substantive public interest	No		No	Necessary with substantive public interest

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	15A NCAC 13B .1405	APPLICATION REQUIREMENTS FOR SOLID WASTE COMPOST FACILITIES	Amended Eff. May 1, 1996	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	15A NCAC 13B .1406	OPERATIONAL REQUIREMENTS FOR SOLID WASTE COMPOST FACILITIES	Amended Eff. June 1, 1996	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	15A NCAC 13B .1407	CLASSIFICATION/DISTRIBUTION OF SOLID WASTE COMPOST PRODUCTS	Amended Eff. June 1, 1996	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	15A NCAC 13B .1408	METHODS FOR TESTING AND REPORTING REQUIREMENTS	Amended Eff. June 1, 1996	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	15A NCAC 13B .1409	APPROVAL OF ALTERNATIVE PROCEDURES AND REQUIREMENTS	Amended Eff. June 1, 1996	Necessary with substantive public interest	No		No	Necessary with substantive public interest
SECTION .1600 - REQUIREMENTS FOR MUNICIPAL SOLID WASTE LANDFILL FACILITIES (MSWLFs)	15A NCAC 13B .1601	PURPOSE, SCOPE, AND APPLICABILITY	Amended Eff. April 1, 1994	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	40 CFR 258	No	Necessary with substantive public interest
	15A NCAC 13B .1602	DEFINITIONS	Eff. October 9, 1993	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	40 CFR 258	No	Necessary with substantive public interest
	15A NCAC 13B .1603	GENERAL APPLICATION REQUIREMENTS AND PROCESSING	Eff. October 9, 1993	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	40 CFR 258	No	Necessary with substantive public interest
	15A NCAC 13B .1604	GENERAL REQUIREMENTS FOR MSWLF FACILITIES	Amended Eff. May 1, 2011	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	40 CFR 258	No	Necessary with substantive public interest
	15A NCAC 13B .1617	APPLICATION REQUIREMENTS FOR MSWLF FACILITIES	Eff. October 9, 1993	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	40 CFR 258	No	Necessary with substantive public interest
	15A NCAC 13B .1618	SITE STUDY FOR MSWLF FACILITIES	Eff. October 9, 1993	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	40 CFR 258	No	Necessary with substantive public interest
	15A NCAC 13B .1619	FACILITY PLAN	Eff. October 9, 1993	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	40 CFR 258	No	Necessary with substantive public interest
	15A NCAC 13B .1620	ENGINEERING PLAN	Eff. October 9, 1993	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	40 CFR 258	No	Necessary with substantive public interest

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	15A NCAC 13B .1621	CONSTRUCTION QUALITY ASSURANCE PLAN	Eff. October 9, 1993	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	40 CFR 258	No	Necessary with substantive public interest
	15A NCAC 13B .1622	LOCATION RESTRICTIONS FOR MSWLF FACILITY SITING	Eff. October 9, 1993	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	40 CFR 258	No	Necessary with substantive public interest
	15A NCAC 13B .1623	GEOLOGIC AND HYDROGEOLOGIC INVESTIGATIONS FOR MSWLF FACILITIES	Eff. October 9, 1993	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	40 CFR 258	No	Necessary with substantive public interest
	15A NCAC 13B .1624	CONSTRUCTION REQUIREMENTS FOR MSWLF FACILITIES	Amendment Eff. April 1, 1999	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	40 CFR 258	No	Necessary with substantive public interest
	15A NCAC 13B .1625	OPERATION PLAN FOR MSWLF FACILITIES	Eff. October 9, 1993	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	40 CFR 258	No	Necessary with substantive public interest
	15A NCAC 13B .1626	OPERATIONAL REQUIREMENTS FOR MSWLF FACILITIES	Amended Eff. May 1, 2011	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	40 CFR 258	No	Necessary with substantive public interest
	15A NCAC 13B .1627	CLOSURE AND POST-CLOSURE REQUIREMENTS FOR MSWLF FACILITIES	Eff. October 9, 1993	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	40 CFR 258	No	Necessary with substantive public interest
	15A NCAC 13B .1628	FINANCIAL ASSURANCE RULE	Amended Eff. October 1, 1994	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	40 CFR 258	No	Necessary with substantive public interest
	15A NCAC 13B .1629	CLOSURE AND POST-CLOSURE PLAN	Eff. October 9, 1993	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	40 CFR 258	No	Necessary with substantive public interest
	15A NCAC 13B .1630	APPLICABILITY OF GROUND-WATER MONITORING REQUIREMENTS	Eff. October 9, 1993	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	40 CFR 258	No	Necessary with substantive public interest
	15A NCAC 13B .1631	GROUND-WATER MONITORING SYSTEMS	Eff. October 9, 1993	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	40 CFR 258	No	Necessary with substantive public interest
	15A NCAC 13B .1632	GROUND-WATER SAMPLING AND ANALYSIS REQUIREMENTS	Amended Eff. April 1, 2011	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	40 CFR 258	No	Necessary with substantive public interest
	15A NCAC 13B .1633	DETECTION MONITORING PROGRAM	Amended Eff. April 1, 2011	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	40 CFR 258	Yes	Necessary with substantive public interest
	15A NCAC 13B .1634	ASSESSMENT MONITORING PROGRAM	Amended Eff. April 1, 2011	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	40 CFR 258	Yes	Necessary with substantive public interest



G.S. 150B-21.3A Report for 15A NCAC 13B, SOLID WASTE MANAGEMENT								
Agency - Environmental Management Commission								
Comment Period - July 15 - September 20, 2016								
Date Submitted to APO - Filled in by RRC staff								
Rule Section	Rule Citation	Rule Name	Date and Last Agency Action on the Rule	Agency Determination [150B-21.3A(c)(1)a]	Implements or Conforms to Federal Regulation [150B-21.3A(e)]	Federal Regulation Citation	Public Comment Received [150B-21.3A(c)(1)]	Agency Determination Following Public Comment [150B-21.3A(c)(1)]
	15A NCAC 13B .1635	ASSESSMENT OF CORRECTIVE MEASURES	Amended Eff. May 1, 2011	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	40 CFR 258	Yes	Necessary with substantive public interest
	15A NCAC 13B .1636	SELECTION OF REMEDY	Eff. October 9, 1993	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	40 CFR 258	No	Necessary with substantive public interest
	15A NCAC 13B .1637	IMPLEMENTATION OF THE CORRECTIVE ACTION PROGRAM	Amended Eff. April 1, 2011	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	40 CFR 258	No	Necessary with substantive public interest
	15A NCAC 13B .1680	LEACHATE STORAGE REQUIREMENTS	Eff. October 9, 1993	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	40 CFR 258	No	Necessary with substantive public interest
SECTION .1700 - REQUIREMENTS FOR BENEFICIAL USE OF COAL COMBUSTION BY-PRODUCTS	15A NCAC 13B .1701	DEFINITIONS	Eff. January 4, 1994	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	15A NCAC 13B .1702	GENERAL PROVISIONS FOR STRUCTURAL FILL FACILITIES	Eff. January 4, 1994	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	15A NCAC 13B .1703	NOTIFICATION FOR STRUCTURAL FILL FACILITIES	Eff. January 4, 1994	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	15A NCAC 13B .1704	SITING FOR STRUCTURAL FILL FACILITIES	Eff. January 4, 1994	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	15A NCAC 13B .1705	DESIGN, CONSTRUCTION, AND OPERATION FOR STRUCTURAL FILL FACILITIES	Eff. January 4, 1994	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	15A NCAC 13B .1706	CLOSURE OF STRUCTURAL FILL FACILITIES	Eff. January 4, 1994	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	15A NCAC 13B .1707	RECORDATION OF STRUCTURAL FILL FACILITIES	Eff. January 4, 1994	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	15A NCAC 13B .1708	OTHER USES FOR COAL COMBUSTION BY-PRODUCTS	Eff. January 4, 1994	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	15A NCAC 13B .1709	STORAGE AND CONTAINMENT OF COAL COMBUSTION BY-PRODUCTS	Eff. January 4, 1994	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	15A NCAC 13B .1710	ANNUAL REPORTING	Eff. January 4, 1994	Necessary with substantive public interest	No		No	Necessary with substantive public interest



**August 16, 2016**

**Comments on 15 A NCAC 13 B, Solid Waste Rules  
And  
Agency Determination in Accordance with  
S.L. 2013-413**

RECEIVED  
Office of the Secretary

**AUG 18 2016**

Department of Environment  
and Natural Resources

DEQ Rule Comments  
1601 Mail Service Center  
Raleigh, NC 27699

Liberty Tire Services of North Carolina operates two scrap tire collection and processing facilities and two scrap tire disposal facilities serving the state. We consider ourselves a partner with the state in providing safe management and recycling of a waste, that absent needed regulatory requirements and private sector infrastructure, has been shown to cause environmental and public health degradation. The need of our continued work to ensure proper management of scrap tires is further highlighted by the recent spread and threat of Zika virus.

We appreciate the opportunity to comment on the proposed classifications and to offer rule amendments for consideration during the readoption process. Liberty Tire Services agrees with the Agency Determination of "Necessary with Substantive Public Interest" for the rules of 15A NCAC 13B Section .1100 with the exception of rule .1102. Given the permit and operational fees are now in statute, the old fees set out in rules are not necessary.

The following is offered to assist in rule changes as readoption proceeds:

Rule .1104 (a) should be amended to reflect the agencies policy of processing necessary for disposal. A sentence to indicate that whole tires processed to a minimum of cutting into quarters is no longer considered a whole tire and is suitable for landfilling should be added.

Rule.1107(c) Should offer further flexibility by adding language that "Other methods to control mosquitoes and rodents may be approved by the Division and incorporated in permit conditions.

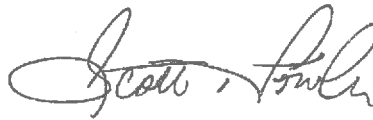
Rule .1111 The Division should have the flexibility to consider factors such as the availability and distance to a disposal facility in setting financial assurance for collection sites. Language should be added as follows:

Liberty Tire Recycling, LLC  
1251 Waterfront Place, 4th Floor, Pittsburgh, PA 15222-4261  
Phone: 412.562.1700 • Fax: 412.562.0248 • [www.libertytire.com](http://www.libertytire.com)

"(d) The Division may approve alternative amounts of financial responsibility required under this section by a demonstration of the owner/operator that the coverage is adequate to meet the requirements of (b) of this subsection."

Thank you again for the opportunity to comment on the proposed classifications and rule readoption. If there are questions, please feel free to contact me at 704-905-1041 or Dexter Matthews at 919-345-8482.

Best Regards,

A handwritten signature in black ink, appearing to read "Scott Fowler". The signature is fluid and cursive, with the first name "Scott" being more prominent than the last name "Fowler".

Scott Fowler, Senior Vice President  
Liberty Tire Recycling  
6322 Poplar Tent Road, Concord, NC

cc: Thomas Womble  
Gene Helton  
Dexter Matthews

## **15A NCAC CHAPTER 13B, SOLID WASTE MANAGEMENT**

### **15A NCAC 13B .0540 CONSTRUCTION REQUIREMENTS FOR C&DLF FACILITIES**

#### **Comment received electronically:**

Commenter Name: Anonymous

Do I agree with the Agency's determination? Yes

I would determine this rule's classification as: undefined

Do I want to submit a written comment on this rule? Yes

My comment type on this rule is: An objection to the rule

Do I want to enter a comment, or submit a file? Enter a comment

My Comment Text: I believe that liners are required at CDLF since 8/31/07 via SL2007-0550 130A-295.6 2(e).

If that is true please revise the Rules accordingly.

#### **Agency Response:**

The agency's selected determination for this rule is "necessary with substantive public interest". Comments will be considered during the re-adoption process.

## 15A NCAC 13B .0831 DEFINITIONS (pertaining to Septage Management)

### Comment received electronically:

Commenter Name: Jonathan Pfohl

Company/Organization: Municipal Engineering Services

Email: [jpfohl@mesco.com](mailto:jpfohl@mesco.com)

Zip: 27529

Do I agree with the Agency's determination? Yes

I would determine this rule's classification as: undefined

Do I want to submit a written comment on this rule? Yes

My comment type on this rule is: An objection to the rule

Do I want to enter a comment, or submit a file? Enter a comment

My Comment Text: Definition 14 defines SHWT as in "soil". What if the groundwater is in rock beneath the proposed landfill? Would this geological condition preclude the requirement to determine the SHWT?

### Agency Response:

The agency's selected determination for this rule is "necessary with substantive public interest". Comments will be considered during the re-adoption process.

## **15A NCAC 13B .1102 APPLICATION FEE AND ANNUAL PERMIT FEE**

### **Comment received in a letter:**

Commenter Name: Scott Fowler, Senior Vice President

Company Name: Liberty Tire Recycling

Comment: Liberty Tire Services agrees with the Agency Determination of “Necessary with Substantive Public Interest” for the rules of 15A NCAC 13B Section .1100 with the exception of rule .1102. Given the permit and operational fees are now in statute, the old fees set out in rules are not necessary.

### **Agency Response:**

The agency’s selected determination for this rule is “necessary with substantive public interest.” Comments on the rules will be considered during the re-adoption process.

## **15A NCAC 13B .1104 GENERAL CONDITIONS**

### **Comment received in a letter:**

Commenter Name: Scott Fowler, Senior Vice President

Company Name: Liberty Tire Recycling

Comment on Rule: .1104(a) should be amended to reflect the agencies policy of processing necessary for disposal. A sentence to indicate that whole tires processed to a minimum of cutting into quarters is no longer considered a whole tire and is suitable for landfilling should be added.

### **Agency Response:**

The agency's selected determination for this rule is "necessary with substantive public interest." Comments on the rules will be considered during the re-adoption process.

## **15A NCAC 13B .1107 SCRAP TIRE COLLECTION SITE OPERATIONAL REQUIREMENTS**

### **Comment received in a letter:**

Commenter Name: Scott Fowler, Senior Vice President

Company Name: Liberty Tire Recycling

Comment on Rule: .1107(c) should offer further flexibility by adding language that “Other methods to control mosquitoes and rodents may be approved by the Division and incorporated in permit conditions.”

### **Agency Response:**

The agency’s selected determination for this rule is “necessary with substantive public interest.” Comments on the rules will be considered during the re-adoption process.



## **15A NCAC 13B .1111 FINANCIAL RESPONSIBILITY REQUIREMENTS**

### **Comment received in a letter:**

Commenter Name: Scott Fowler, Senior Vice President

Company Name: Liberty Tire Recycling

Comment on Rule: .1111 The Division should have flexibility to consider factors such as the availability and distance to a disposal facility in setting financial assurance for collection sites. Language should be added as follows:

“(d) The Division may approve alternative amounts of financial responsibility required under this section by a demonstration of the owner/operator that the coverage is adequate to meet the requirements of (b) of this subsection.

### **Agency Response:**

The agency’s selected determination for this rule is “necessary with substantive public interest.” Comments on the rules will be considered during the re-adoption process.

## 15A NCAC 13B .1205 REQUIREMENTS FOR TRANSPORTERS OF REGULATED MEDICAL WASTE

### Comment received electronically, with letter attached:

Commenter Name: Todd Roessler

Company Name: Kilpatrick Townsend

Email: [troessler@ktslaw.com](mailto:troessler@ktslaw.com)

Zip: 27609

Do I agree with the Agency's determination? Yes

I would determine this rule's classification as: undefined

Do I want to submit a written comment on this rule? Yes

My comment type on this rule is: Another type of comment

Do I want to enter a comment, or submit a file? Submit a file

Comments from an attached letter pertaining to Rule .1205:

*[AGENCY NOTE: See letter from Alan McConnell with Kilpatrick Townsend to Michael Scott, Division Director, regarding Stericycle, Inc. and dated June 27, 2016 for additional discussion on recommended revisions.]*

"The proposed amendments to 15A NCAC 13B .1205(7), (8) are as follows: ...

A person who transports Regulated medical waste that has not been treated at the generating facility shall meet the following requirements: ...

(7) Except as allowed by subsection (8) of this rule, Regulated medical waste shall be delivered in a non-putrescent state to a permitted storage or treatment within ~~seven~~fourteen calendar days of the date of shipment from the generator.

(8) Refrigeration at an ambient temperature between 35 and 45 degrees Fahrenheit shall be maintained for Regulated medical waste that will not be delivered for treatment within ~~seven~~fourteen calendar days."

*AGENCY NOTE: See the letter from Alan McConnell with Kilpatrick Townsend to Michael Scott, Division Director, regarding Stericycle, Inc. and dated June 27, 2016 for additional discussion on recommended revisions.*

### Agency Response:

The agency's selected determination for this rule is "necessary with substantive public interest". Comments will be considered during the re-adoption process.

## 15A NCAC 13B .1206 REQUIREMENTS FOR STORAGE OF REGULATED MEDICAL WASTE

### Comment received electronically, with letter attached:

Commenter Name: Todd Roessler

Company Name: Kilpatrick Townsend

Email: [troessler@ktslaw.com](mailto:troessler@ktslaw.com)

Zip: 27609

Do I agree with the Agency's determination? Yes

I would determine this rule's classification as: undefined

Do I want to submit a written comment on this rule? Yes

My comment type on this rule is: Another type of comment

Do I want to enter a comment, or submit a file? Submit a file

Comments from an attached letter pertaining to Rule .1206:

*[AGENCY NOTE: See letter from Alan McConnell with Kilpatrick Townsend to Michael Scott, Division Director, regarding Stericycle, Inc. and dated June 27, 2016 for additional discussion on recommended revisions.]*

"The proposed amendment to 15A NCAC 13B .1206(4) is as follows: ...

A person who stores Regulated medical waste that has not been treated at the generating facility shall meet the following requirements: ...

(4) Regulated medical waste shall be stored in a non-putrescent state ~~not be stored and no~~ longer than ~~seven~~ fourteen calendar days from the date of shipment from the generator unless the Regulated ~~M~~medical ~~W~~waste is refrigerated at an ambient temperature between 35 and 45 degrees Fahrenheit. Provided that Regulated medical waste is refrigerated at an ambient temperature between 35 and 45 degrees Fahrenheit in a non-putrescent state, such waste shall be stored no longer than sixty calendar days from the date of shipment from the generator."

### Agency Response:

The agency's selected determination for this rule is "necessary with substantive public interest". Comments will be considered during the re-adoption process.

## 15A NCAC 13B .1207 OPERATIONAL REQ/REGULATED MEDICAL WASTE TREATMENT FACILITIES

Comment received electronically, with letter attached:

Commenter Name: Todd Roessler

Company Name: Kilpatrick Townsend

Email: [troessler@ktslaw.com](mailto:troessler@ktslaw.com)

Zip: 27609

Do I agree with the Agency's determination? Yes

I would determine this rule's classification as: undefined

Do I want to submit a written comment on this rule? Yes

My comment type on this rule is: Another type of comment

Do I want to enter a comment, or submit a file? Submit a file

Comments from an attached letter pertaining to Rule .1207:

*[AGENCY NOTE: See letter from Alan McConnell with Kilpatrick Townsend to Michael Scott, Division Director, regarding Stericycle, Inc. and dated June 27, 2016 for additional discussion on recommended revisions.]*

"The proposed amendment to 15A NCAC 13B .1207(1) is as follows: ...

A person who treats Regulated medical waste shall meet the following requirements for each type of treatment in addition to the requirements in Rule .1203 of this Section: ...

(1) General requirements:

~~(a) Refrigeration at an ambient temperature between 35 and 45 degrees Fahrenheit shall be maintained for Regulated medical waste not treated within seven calendar days after shipment.~~

~~(a) (b)~~ Regulated medical waste shall be ~~stored prior to treatment for~~ treated or placed into refrigerated storage consistent with 15A NCAC 13B .1206(4) no more than seven calendar days after receipt.

### Agency Response:

The agency's selected determination for this rule is "necessary with substantive public interest". Comments will be considered during the re-adoption process.

## 15A NCAC 13B .1633 DETECTION MONITORING PROGRAM

### Comment received electronically:

Commenter Name: Jonathan Pfohl

Company/Organization: Municipal Engineering Services

Email: [jpfohl@mesco.com](mailto:jpfohl@mesco.com)

Zip: 27529

Do I agree with the Agency's determination? Yes

I would determine this rule's classification as: undefined

Do I want to submit a written comment on this rule? Yes

My comment type on this rule is: An objection to the rule

Do I want to enter a comment, or submit a file? Enter a comment

My Comment Text: Please clarify the use of "each well". It may be interpreted as each well that has contained an exceedance. However, in practice the Solid Waste Section requires every or all wells that monitor the entire landfill regardless of there location in respect to the area of suspected release. The footprint of most landfills that are subject to this Rule have greatly expanded through horizontal expansions which have monitoring systems in all downgradient directions. The site conceptual models at all sites are very well understood and re-evaluated at least twice a year. Requiring assessment monitoring (testing for the presents of uncommon contaminants) at every well including wells that have never even had a common contaminant detected that are far and different flow paths from the suspected release is a waste of resources. A common sense approach would entail a more focused investigation into the specific area of the suspected release would be more appropriate.

### Agency Response:

The agency's selected determination for this rule is "necessary with substantive public interest". Comments will be considered during the re-adoption process.

## 15A NCAC 13B .1634 ASSESSMENT MONITORING PROGRAM

### Comments received electronically:

Commenter Name: Jonathan Pfohl

Company/Organization: MESCO

Email: [jpfohl@mesco.com](mailto:jpfohl@mesco.com)

Do I agree with the Agency's determination? Yes

I would determine this rule's classification as: undefined

Do I want to submit a written comment on this rule? Yes

My comment type on this rule is: An objection to the rule

Do I want to enter a comment, or submit a file? Enter a comment

My Comment Text: Language and context pertaining to Appendix II constituents seems confusing and ambiguous therefore we seek some long overdue clarification. The confusion stems from the fact that constituents listed in Appendix II also contain the same constituents in the Appendix I list. Unfortunately, based on the context and sequence of actions stated in the Rules there seems to not be a single definition rather it may change under different circumstances. Please clarify the 4 instances in Rule .1634 to be one of two types. Type A: All 219 constituents (includes App I) or Type B: 157 constituents ((219 minus 62 in App I=157 (Does NOT include App 1)

Commenter Name: Jonathan Pfohl

Company/Organization: Municipal Engineering Services

Email: [jpfohl@mesco.com](mailto:jpfohl@mesco.com)

Zip: 27529

Do I agree with the Agency's determination? Yes

I would determine this rule's classification as: undefined

Do I want to submit a written comment on this rule? Yes

My comment type on this rule is: An objection to the rule

Do I want to enter a comment, or submit a file? Enter a comment

My Comment Text: If we're interpreting Rule .163.4(h) correctly how is the Division allowed to establish a GWP for parameters such as antimony, thallium and 1,1,2-Trichloropropane that has an MCL assigned.

Commenter Name: Anonymous

Do I agree with the Agency's determination? Yes

I would determine this rule's classification as: undefined

Do I want to submit a written comment on this rule? Yes

My comment type on this rule is: An objection to the rule

Do I want to enter a comment, or submit a file? Enter a comment

My Comment Text: Please clarify or clearly define Appendix II detections as they relate to compliance actions. The Appendix II list of constituents actually includes the same constituents listed in Appendix I. The context of the rules with words such as "new" and "in response to Appendix II" indicate that there should be an App I list and an App II list which does not include those also listed on App 1. Please clear this up as it is very unclear and is inconsistent in Rules and in practice. This distinction carries over into several other rules also.

Commenter Name: Anonymous

Do I agree with the Agency's determination? Yes

I would determine this rule's classification as: undefined

Do I want to submit a written comment on this rule? Yes

My comment type on this rule is: An objection to the rule

Do I want to enter a comment, or submit a file? Enter a comment

My Comment Text: .1634(a) should have "at any monitoring well at the relevant point of compliance" added. As currently written it does not match with .1633(c) which determines when detection monitoring ends and assessment monitoring begins. We believe this was an oversight in the original rule as written. Since .1634 follows .1633 the conditions should be congruent with each other. As written the "relevant point of compliance" may become and often is in practice irrelevant when it should not be.

**Agency Response:**

The agency's selected determination for this rule is "necessary with substantive public interest". Comments will be considered during the re-adoption process.

## 15A NCAC 13B .1635 ASSESSMENT OF CORRECTIVE MEASURES

### Comment received electronically:

Commenter Name: Jonathan Pfohl

Company/Organization: MESCO

Email: [jpfohl@mesco.com](mailto:jpfohl@mesco.com)

Do I agree with the Agency's determination? Yes

I would determine this rule's classification as: undefined

Do I want to submit a written comment on this rule? Yes

My comment type on this rule is: An objection to the rule

Do I want to enter a comment, or submit a file? Enter a comment

My Comment Text: Language and context pertaining to the use of constituents listed in Appendix II seems confusing and ambiguous therefore we seek some long overdue clarification. The confusion stems from the fact that constituents listed in Appendix II also contain the same constituents in the Appendix I list. Unfortunately, based on the context and sequence of actions stated in the Rules there seems to not be a single definition rather it may change under different circumstances. Please clarify the single instances in Rule .1634 to be one of two types. If Type A can effectively never have AM (.1634) without an ACM (.1635). Type A: All 219 constituents (includes App I) or Type B: 157 constituents ((219 minus 62 in App I=157 (Does NOT include App 1)

### Agency Response:

The agency's selected determination for this rule is "necessary with substantive public interest". Comments will be considered during the re-adoption process.