

1 15A NCAC 13A .0102 is proposed as a temporary rule 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  
6 editions except that the Definitions for "Disposal", "Landfill", "Management or hazardous waste management",  
7 "Person", "Sludge", "Storage", and "Treatment" are defined by G.S. 130A-290 and are not incorporated by ~~reference,~~  
8 ~~reference~~ and the ~~definitions— definition~~ in 260.10 for ~~“Contained”~~ "Facility", "Transfer Facility", "Hazardous  
9 secondary material", "Hazardous secondary material generated and reclaimed under the control of the generator",  
10 "Hazardous secondary material generator", "Intermediate facility", and "Land-based unit" are not incorporated by  
11 ~~reference is not incorporated 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 (1) “Contained” means held in a unit (including a land-based unit as defined in this subpart) that meets the  
30 following criteria:

31 (A) 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

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

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

42 (C) The unit holds hazardous secondary materials that are compatible with other hazardous  
43 secondary materials placed in the unit and is compatible with the materials used to construct  
44 the unit and addresses any potential risks of fires or explosions.

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

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

48 (1) "Section" means the Hazardous Waste Section, in the Division of Waste Management, Department of  
49 Environment and Natural Resources.

50 (2) The "Department" means the Department of Environment and Natural Resources (DENR).

51 (3) "Division" means the Division of Waste Management (DWM).

52 (4) "Long Term Storage" means the containment of hazardous waste for an indefinite period of time in a  
53 facility designed to be closed with the hazardous waste in place.

54 (5) "Off-site Recycling Facility" means any facility that receives shipments of hazardous waste from off-  
55 site to be recycled or processed for recycling through any process conducted at the facility, but does  
56 not include any facility owned or operated by a generator of hazardous waste solely to recycle their  
57 own waste.

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

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Eff. September 1, 1979;

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Transferred and Recodified from 10 NCAC 10F .0002 Eff. April 4, 1990;

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Amended Eff. August 1, 2000;

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Temporary Amendment Eff. January 1, 2009;

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Amended Eff. July 1, 2010.

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