

NORTH CAROLINA ENVIRONMENTAL MANAGEMENT COMMISSION

PUBLIC NOTICE

Notice is hereby given for one public hearing to be heard by the North Carolina Department of Environment and Natural Resources, Division of Waste Management, Hazardous Waste Section concerning the proposed changes to hazardous waste rules.

PURPOSE: The North Carolina Department of Environment and Natural Resources, Division of Waste Management, Hazardous Waste Section has proposed temporary rulemaking with the North Carolina Office of Administrative Hearings to amend 15A NCAC 13A .0102, 15A NCAC 13A .0103 and 15A NCAC 13A .0106. These changes are necessary due to recent changes to applicable federal regulations.

The United States Environmental Protection Agency (“EPA”) has authorized North Carolina to operate the State Hazardous Waste Program in lieu of the federal program under the Resource Conservation and Recovery Act (“RCRA”), 42 U.S.C. §§ 6901 to 6992k. Because the State Hazardous Waste Program is federally delegated, EPA continues to exercise oversight—including the ability to revoke program authorization—to ensure consistency with RCRA. Specifically, the State Hazardous Waste Program must remain equivalent to, consistent with, and no less stringent than the Federal program.

The EPA is requiring states to adopt certain provisions of the new Definition of Solid Waste Rule that was promulgated on January 13, 2015, 80 Fed. Reg. 1694 (January 13, 2015) (“2015 DSW Rule”). The 2015 DSW Rule retains certain changes originally made in an October 30, 2008 DSW Final Rule, 73 Fed. Reg. 64668 (October 30, 2008) but “revises several recycling-related provisions associated with the definition of solid waste used to determine hazardous waste regulation under Subtitle C of [RCRA].” Its purpose “is to ensure that the hazardous secondary materials recycling regulations, as implemented, encourage reclamation in a way that does not result in increased risk to human health and the environment from discarded hazardous secondary material.”

The EPA is requiring states to adopt certain provisions of the new Definition of Solid Waste Rule that was promulgated on January 13, 2015, 80 Fed. Reg. 1694 (January 13, 2015) (“2015 DSW Rule”) and became effective July 13, 2015. The EPA revised the 2008 DSW rule because of significant regulatory gaps that could result in harm to human health and the environment and could have a disproportionate impact on minority and low-income populations.

The proposed changes to 15A NCAC 13A .0102, 15A NCAC 13A .0103 and 15A NCAC 13A .0106 would make the State Hazardous Waste Program equivalent to, consistent with, and no less stringent than the federal RCRA program, by incorporating federal changes to 40 CFR 260.10 and 40 CFR 261.

DATES AND LOCATION: Monday, October 5, 2015 from 1:00PM to 2:00PM
217 West Jones Street, Raleigh, NC 27603
Rm 3001 -Videoconference Room

COMMENT PROCEDURES: All persons interested in this matter are invited to attend the public hearing. Any person desiring to comment is requested to submit a written statement for inclusion in the record of proceedings at the public hearing. The hearing officer may limit oral presentation lengths if many people want to speak. The hearing record will remain open from September 14, 2015 until October 9, 2015 to receive additional written statements. To be included, the statement must be received or postmarked by October 9, 2015.

Comments should be sent to:

Ms. Ann Preston
Hazardous Waste Section
1646 Mail Service Center
Raleigh, NC 27699-1646
919-707-8226
DENR.DWM_Rules@ncdenr.gov

INFORMATION: Copies of the proposed rule changes may be downloaded at <http://portal.ncdenr.org/web/wm/proposed-rules>

This the 14th day of September, 2015

By: 
Julie S. Woosley, Chief
Hazardous Waste Section