

Agenda Item: 15-46 **Request for Approval to Proceed to Public Comment and Hearing for Permanent Rulemaking for Solid Waste Rules 15A NCAC 13A .0102, .0103 and .0106 and Approval of Fiscal Note**

Explanation:

The Environmental Protection Agency (EPA) is requiring states to adopt certain provisions of the new Definition of Solid Waste (DSW) Rule. EPA revised the 2008 DSW rule because of significant regulatory gaps in that rule, which could result in risk to human health and the environment from hazardous waste recycling activities, including disproportionate risk to minority and low-income populations. It is the responsibility of the Hazardous Waste Section to regulate how hazardous waste is managed within the state under the statutory authority of G.S. Chapter 130A-294.

State rules governing solid waste management are found in Title 15A, Subchapter 13A of the North Carolina Administrative Code. The permanent rule will amend the provisions of 15A NCAC 13A .0102, .0103 and .0106 by codifying a new regulatory definition of the 2008 "Contained" standard in order to prevent mismanagement of hazardous secondary materials during storage. It will also correct an inaccurate citation, incorporate Rulemaking Petitions that are equivalent to the federal rule, and incorporate additional requirements and Subparts for the identification and listing of hazardous wastes. The permanent rulemaking is initiated to replace the temporary DSW rule by preventing them from expiring.

Recommendation:

For the Environmental Management Commission to approve proceeding to Public Comment and Hearing on Permanent Rulemaking for Proposed Amendments to the Definition of Solid Waste Rules 15A NCAC 13A .0102, .0103, and .0106.