

Agenda Item: 15-45 **Request for Approval of Hearing Officer's Report and Adoption of Hearing Officer's Report and Adoption of Temporary Rules 15A NCAC 13A .0102, .0103 and .0106**

Explanation:

A public hearing was held in Raleigh, NC on October 5, 2015, to take public comments on proposed amendments to the Definition of Solid Waste rules per temporary rulemaking procedures. Dr. Albert Rubin, member of the Environmental Management Commission (EMC), was appointed and acted as the hearing officer for this hearing.

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 temporary rules 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 temporary rules will also allow the State's hazardous waste universe to take advantage of the proposed amendments sooner.

Recommendation:

One comment has been received to date from the public. The Hearing Officer recommends that the proposed amendments as presented in Chapter II of this hearing report be adopted by the Environmental Management Commission.