

**Agenda Item: 15-37 Temporary Rulemaking for Revisions to the Definition of Solid Waste Rule**

**Explanation:**

The Environmental Protection Agency (EPA) is requiring states to adopt certain provisions of the new Definition of Solid Waste 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 (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 rule will amend the provisions of .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 rule will also allow the State's hazardous waste universe to take advantage of this rule and associated savings sooner.

**Recommendation:**

That the Environmental Management Commission approve proceed to Public Comment and Hearing on Temporary Rulemaking for Proposed Revisions to Definition of Solid Waste Rule: 15A NCAC 13A .0102, .0103, and .0106.