

1 15A NCAC 13A .0101 is proposed for amendment as follows:

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3 **15A NCAC 13A .0101 GENERAL**

4 (a) The Hazardous Waste Section of the Division of Waste Management shall administer the hazardous waste
5 management program for the State of North Carolina.

6 (b) In applying the federal requirements incorporated by reference throughout this Subchapter, the following
7 substitutions or exceptions shall apply:

8 (1) ~~"Department of Environment and Natural Resources" shall be substituted for "Environmental~~
9 ~~Protection Agency" except in 40 CFR 262.51 through 262.54, 262.56, 262.57, and Part 124 where~~
10 ~~references to the Environmental Protection Agency shall remain without substitution;~~

11 (2) ~~"Secretary of the Department of Environment and Natural Resources" shall be substituted for~~
12 ~~"Administrator," "Regional Administrator," "Assistant Administrator" and "Director" except for 40~~
13 ~~CFR 262.55 through 262.57, 264.12(a), 268.5, 268.6, 268.42(b), 268.44, and Part 124 where the~~
14 ~~references to the Administrator, Regional Administrator, Assistant Administrator and Director shall~~
15 ~~remain without substitution.~~

16 When used in any of the federal regulations incorporated by reference throughout this Subchapter, except
17 where the context requires references to remain without substitution (including with regard to forms,
18 publications and regulations concerning international shipments, variances from land disposal restrictions
19 and other program areas over which the federal government retains sole authority): "United States" shall
20 mean the State of North Carolina; "Environmental Protection Agency," "EPA" and "Agency" shall mean
21 the Department of Environmental Quality; and "Administrator," "Regional Administrator,"
22 "Assistant Administrator" and "Director" shall mean the Secretary of the Department of Environmental
23 Quality. The North Carolina Solid Waste Management Act and other applicable North Carolina
24 General Statutes shall be substituted for references to "the Solid Waste Disposal Act," "the Resource
25 Conservation and Recovery Act" and "RCRA" where required by context.

26 (c) In the event that there are inconsistencies or duplications in the requirements of those Federal rules incorporated by
27 reference throughout this Subchapter and the State rules set out in this Subchapter, the provisions incorporated by
28 reference shall prevail except where the State rules are more stringent.

29 (d) 40 CFR 260.1 through 260.3 (Subpart A), "General," are incorporated by reference including subsequent
30 amendments and editions.

31 (e) 40 CFR 260.11, "References", is incorporated by reference including subsequent amendments and editions.

32 (f) Copies of all materials in this Subchapter may be inspected or obtained as follows:

33 (1) Persons interested in receiving rule-making notices concerning the North Carolina Hazardous Waste
34 Management Rules must submit a written request to the Hazardous Waste Section, ~~PO Box 29603,~~
35 1646 Mail Services Center, Raleigh, N.C. 27611-9603, 27699-1646. A check in the amount of fifteen
36 dollars (\$15.00) made payable to The Hazardous Waste Section must be enclosed with each request.

1 Upon receipt of each request, individuals shall be placed on a mailing list to receive ~~notices for one~~
2 ~~year.~~ notices.

3 (2) Material incorporated by reference in the Federal Register may be obtained from the ~~Superintendent of~~
4 ~~Documents, U.S. Government Printing Office, Washington, D.C. 20402~~ at a cost of ~~seven hundred and~~
5 ~~sixty four dollars (\$764.00)~~ per year. Federal Register materials are codified once a year in the Code
6 of Federal Regulations and may be obtained at the above address for a cost of: 40 CFR 100-135 forty
7 two dollars (\$42.00), 40 CFR 260-265 forty seven dollars (\$47.00) and 40 CFR 266-299, forty seven
8 dollars (\$47.00), total ~~one hundred thirty six dollars (\$136.00)~~ U. S. Government Bookstore's website
9 at <https://bookstore.gpo.gov/products/sku/769-004-00000-9?ctid=> for a cost of nine hundred twenty
10 nine dollars (\$929.00).

11 (3) The North Carolina Hazardous Waste Management Rules, ~~including the incorporated by reference~~
12 ~~materials~~ may be obtained from the Hazardous Waste Section at the cost to the Section.

13 (4) All material is available for inspection at the Department of Environmental Quality, Hazardous Waste
14 Section, ~~401 Oberlin Road, 217 West Jones Street, Raleigh, NC. NC~~ and at
15 <http://portal.ncdenr.org/web/wm/hw/rules/statelaws>.

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17 *History Note:* Authority G.S. 130A-294(c); 150B-21.6;
18 Eff. September 1, 1979;
19 Amended Eff. June 1, 1989; June 1, 1988; August 1, 1987; May 1, 1987;
20 Transferred and Recodified from 10 NCAC 10F .0001 Eff. April 4, 1990;
21 Amended Eff. October 1, 1993; April 1, 1993; October 1, 1992; December 1, 1991;
22 Recodified from 15A NCAC 13A .0001 Eff. December 20, 1996;
23 Amended Eff. August 1, 2004; August 1, 2000; August 1, 1998; August 1, 1997.