

Hazardous Waste Section
File Room Document Transmittal Sheet

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North Carolina Department of Environment and Natural Resources

Pat McCrory
Governor

John E. Skvarla, III
Secretary

August 26, 2014

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Mr. Mark Nelson, P.E.
Staff Engineer, Environmental Services Center of Excellence
Transcontinental Gas Pipe Line, LLC
2800 Post Oak Blvd., Level 17
Houston, TX 77056

RE: Issuance of Administrative Order in Lieu of Post-Closure Permit
Transcontinental Gas Pipe Line
Compressor Station 150
236 Transco Road
Mooresville, North Carolina
EPA ID Number: NCD 981 863 012

Dear Mr. Nelson:

Enclosed please find the Notice of Final Decision and one original executed copy of the Administrative Order in Lieu of a Post-Closure Permit (Administrative Order) for the above referenced Facility. The North Carolina Hazardous Waste Section has determined that proposed activities as identified in the Administrative Order satisfy the full intent of the North Carolina Hazardous Waste Management Rules and Solid Waste Management Act as amended. This Administrative Order issued by the State of North Carolina constitutes a complete Administrative Order under the Federal Resource Conservation and Recovery Act.

Sincerely,

Julie S. Woosley, Chief
Hazardous Waste Section

Enclosures: Notice of Final Decision
Administrative Order in Lieu of Post-Closure Permit (one original executed copy)
Hazardous Waste Regulations

cc: Jon D. Johnston, US EPA, Region IV Gwen Gleaton, US EPA, Region IV
Mark Nelson, TGPL Company Rich Lutz, TGPL Company
Bud McCarty, HWS Mary Siedlecki, HWS
Heather Goldman, HWS Kathleen Lawson, HWS
Mail List

[1TGPL2014.MS]

Mailing List for Alternate Mechanism
Transcontinental Gas Pipe Line
Compressor Station 150
Mooresville, North Carolina
August 27, 2014

Jon D. Johnston
US Environmental Protection Agency, Region 4
61 Forsyth Street S.W.
Mail Code: 9T25
Atlanta, GA 30303-8960
johnston.jon@epa.gov

Gwen Gleaton
US Environmental Protection Agency, Region 4
61 Forsyth Street S.W.
Mail Code: 9T25
Atlanta, GA 30303-8960
gleaton.gwen@epa.gov

John Johnston
US Environmental Protection Agency, Region 4
61 Forsyth Street S.W.
Mail Code: 9T25
Atlanta, GA 30303-8960
johnston.john@epa.gov

Mark Nelson
Mark.S.Nelson@Williams.com

Rich Lutz
Richard.C.Lutz@Williams.com

Julie Woosley, HWS Section Chief
julie.woosley@ncdenr.gov

Bud McCarty, HWS Branch Manger
bud.mccarty@ncdenr.gov

Mary Siedlecki, HWS Project Manager
mary.siedlecki@ncdner.gov

Heather Goldman, HWS Inspector
heather.goldman@ncdenr.gov

Ms. Retha Gaither
Iredell County Clerk to the Board
919-878-3058
rgaither@co.iredell.nc.us

Ms. Janet Pope
Mooresville Town Clerk
704-662-3131
jpope@ci.mooresville.nc.us

Ms. Jane Murray
Iredell County Health Director
704-878-5302
jane.murray@co.iredell.nc.us

NOTICE OF FINAL DECISION
Regarding
RCRA ADMINISTRATIVE ORDER in LIEU OF POST-CLOSURE PERMIT

Facility Name: Transcontinental Gas Pipe Line Compressor Station 150
EPA ID Number: NCD 981 863 012
Location: 236 Transco Road
Mooresville, North Carolina
Facility Owner/Operator: Transcontinental Gas Pipe Line

After due consideration of the facts applicable to the above named facility as they appear in the Administrative Record and the requirements and policies expressed in the Federal Resource Conservation and Recovery Act (RCRA) and applicable state regulations (15A NCAC 13A), the Department has determined that the Administrative Order in Lieu of a Post-Closure Permit should be issued.

In accordance with 40 CFR 124.15 as adopted in 15A NCAC 13A .0105, the Administrative Order will become effective on August 26, 2014. Since no comments were received during the public comment period and no changes have been made to the Draft Administrative Order, there are no appeal rights under 40 CFR 124.19 as adopted in 15A NCAC 13A .0105.

The Administrative Record, with respect to this determination, is maintained at the Department's offices, 217 West Jones Street, Raleigh, North Carolina 27603, and is available for public inspection between the hours of 9:00 a.m. and 4:00 p.m. Monday through Friday. For further information on this action or for file room appointments, contact the File Room at (919) 707-8270.



Julie S. Woosley, Chief
Division of Waste Management, NC DENR

Date: 8/26/14

**North Carolina Department of Environment and Natural Resources
Division of Waste Management**

Re: Transcontinental Gas Pipe Line Co., LLC) **Administrative Order**
Compressor Station 150) **in Lieu of Post-Closure Permit**
236 Transco Road)
 Mooresville, North Carolina 28117)
EPA ID # NCD 981 863 012) Docket Number 2013-054

Owner/Operator: Transcontinental Gas Pipe Line Co., LLC
P.O. Box 1396
Houston, Texas 77251

ADMINISTRATIVE ORDER IN LIEU OF POST-CLOSURE PERMIT

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**North Carolina Department of Environment and Natural Resources
Division of Waste Management**

Administrative Order in Lieu of Post-Closure Permit

Re: Transcontinental Gas Pipe Line Co., LLC
P.O. Box 1396
Houston, Texas 77251

Transcontinental Gas Pipe Line Co., LLC
Compressor Station 150
236 Transco Road
Mooresville, North Carolina 28117
EPA ID # NCD 981 863 012

Docket Number 2013-054

Transcontinental Gas Pipe Line Co., LLC, Compressor Station 150 (Transco Station 150) and the North Carolina Department of Environment and Natural Resources, Division of Waste Management (the Division), acting through its Hazardous Waste Section (the Section) (collectively the Parties) enter into this Administrative Order in Lieu of Post-Closure Permit (Order) for the facility identified and further described herein.

I. Statement of Purpose

- A. This Order concerns the application to the Facility of the North Carolina Solid Waste Management Act (the Act) contained in Chapter 130A of the North Carolina General Statutes and the rules promulgated thereunder and codified in Subchapter 13A of Title 15A of the North Carolina Administrative Code (the State Hazardous Waste Rules), and the federal Resource Conservation Recovery Act (RCRA), 42 U.S.C. 6901 et seq., to the Facility. The purpose of this Order is to provide an enforceable Order in lieu of a post-closure permit, including corrective actions to be taken, for the facility located at 236 Transco Road in Mooresville, North Carolina (the Facility) in a manner that is consistent with State and federal laws and rules.
- B. The Parties stipulate that the objectives for completion of the work required by this Order are: (1) to perform corrective action at the Facility, and beyond the Facility boundaries as necessary, to include, at a minimum, establishing remediation goals for the Facility and conducting remediation to meet those goals; (2) to implement and maintain a comprehensive monitoring program until remediation is complete; (3) to provide opportunities for public participation; and (4) to provide financial assurance for assessment and remediation.
- C. This document constitutes an Order of the Secretary of the Department of Environment and Natural Resources for the purposes of N.C.G.S. § 130A-18(a).
- D. Therefore, to further the public interest the Parties enter into this Order.

II. Jurisdiction

- A. The Division has authority pursuant to N.C.G.S. § 130A-290, *et seq.*, to require corrective action by owners and operators with respect to facilities at which hazardous wastes were generated and treatment, storage, or disposal has occurred.
- B. Although this Order requires corrective action mandated by 40 CFR 264.101 and 265.121, incorporated by reference in 15A NCAC 13A .0109(g) and .0110(g), Transco stipulates to issuance of this Order without a hearing and to compliance with the terms of the Order. Transco further stipulates that it will not contest the Section's jurisdiction to issue the Order, to require compliance with the Order, to compel compliance with the Order in any subsequent enforcement proceeding, either administrative or judicial, or to impose sanctions for any violation of the Order. Transco, however, outside the context the Section's enforcement of this Order as set out in the preceding sentence, does not admit, accept or concede the Stipulation of Fact or Conclusions of Law and Determinations set forth in this Order and specifically reserves the right to contest such Stipulation of Facts or Conclusions of Law and Determinations in any third party action regarding Transco Station 150. This Order shall not be admissible in any third-party action that may be taken against Transco as proof of any allegations, findings or conclusions contained in this Order.
- C. The Division and Transco agree that should North Carolina law change in the future allowing for a risk-based solution for the Facility (including land use restrictions), then the Division and Transco agree to either modify this Order to allow for application of the new law or to rescind this Order and to reach agreement on a new Order allowing application of the new law to the Facility.

III. Stipulations of Fact

A. Authority of the Hazardous Waste Section

1. The United States Environmental Protection Agency (EPA) has authorized North Carolina to operate the State RCRA Hazardous Waste Program in accordance with the Act and the Rules.
2. The North Carolina Department of Environment and Natural Resources (the Department or DENR) is authorized and required to enforce the laws and rules governing the management of solid waste, including hazardous waste. The Secretary has delegated this authority and responsibility to the Director of the Division. The Director has issued a sub-delegation of this authority and responsibility to the Chief of the Hazardous Waste Section.

B. Transcontinental Gas Pipe Line Co., LLC, Corporate Information

1. Transcontinental Gas Pipe Line Co., LLC, (Transco) is a corporation organized under the laws of Delaware and is authorized to do business in this State.
2. Transco is a major transporter of natural gas with approximately 10,200 miles of pipeline and 52 compressor stations, which are located at intervals along the pipeline system. Compressor stations are designed to pump gas through the pipeline system from Gulf Coast production areas to Eastern Seaboard distribution areas of the United States. Each station compresses the gas so that it flows by expanding in the pipe from the high pressure discharge of one compressor station toward the low pressure suction of the next compressor station. The Facility that is the subject of this Alternate Mechanism is Compressor Station 150 (Station 150) (see attached figures).

C. Facility Information (Physical)

1. Transco Station 150 is located approximately four miles southwest of Mooresville in Iredell County, adjacent to North Carolina State Highway 1104 (35° 31' 031" north latitude and 080° 51' 027" west longitude). The Facility covers an estimated area of 40-to-50 acres. Main structures include the compressor buildings (A, B, and C), auxiliary building, pipe warehouse and racks, maintenance shop, offices, and a break/wash room. The attached figures illustrate property location and Facility boundaries.
2. Surface drainage from the site is to the northwest, west, and southwest with flow reaching Lake Norman via the northeastern tributary to Davidson Creek or the southwestern erosion reentrant to Lake Norman.
3. Transco Station 150 is located within the Piedmont Physiographical province. Bedrock geology at the Facility has been mapped as a complex of crystalline rock of the Charlotte Belt consisting mostly of gabbros, diorites, and granites. Contact metamorphic rocks are reportedly scattered along the periphery of the crystalline plutonic rocks.
4. Site lithology consists primarily of saprolite overlying partially weathered diorite or biotite gneiss. The transition from saprolite to unweathered bedrock unit occurs gradually. Auger refusal was encountered at depths ranging from 36 to 83 feet below grade, suggesting more competent bedrock at those depths.

5. Lithology in the vicinity of the former surface impoundment is described as a thin layer of silty gravel overlying sandy-to-clayey silts with laterally discontinuous lenses of clay-rich layers and sand-rich layers. The silt and clay content decreases as the sand content increases with depth in borings.
6. Groundwater is encountered in two water-bearing zones: saprolite and partially weathered bedrock. The water table surface is generally encountered in the saprolite. Depth to water varies from 10 to 45 feet below grade, often depending upon topography.

D. Facility Information (Operation/Waste Generation and Disposal)

1. Transcontinental Gas Pipe Line Co., LLC, Compressor Station 150 began operations in approximately December 1951.
2. Following accepted industry practices at the time, waste oil products generated between December 1951 and 1986 were disposed of in an on-site, unlined surface impoundment. These waste oils were generated as a result of routine operations and included waste oil from compressor engine crankcases, pipeline liquids, small amounts of spent commercial products, and spent solids.
3. Waste oil products accumulated in the surface impoundment were also ignited occasionally to burn off the oil. This practice continued from 1951 until the early 1980's when the impoundment ceased being used as a burn pit. Although no longer used as a burn pit, the surface impoundment continued to receive waste oil until 1986 after which a waste oil storage tank was installed at the site to replace the surface impoundment. The pipe that transferred wastes from the Compressor Buildings and gas scrubbers to the surface impoundment was severed and re-routed to the waste oil storage tank.
4. The former surface impoundment, which measured approximately 40 feet in width, 47 feet in length, and eight feet in depth, was reportedly closed in 1986. Closure consisted of draining fluids, backfilling the impoundment with commercially obtained fill material, and revegetating the area. It was the intent of Transco Station 150 to achieve clean closure of the unit.
5. Regulatory agencies questioned whether sufficient documentation existed to ensure clean closure of the unit. An inspection by the North Carolina Department of Environment, Health, and Natural Resources (NC DEHNR) in June 1987 required soil sampling within the closed unit.
6. A field investigation was conducted on October 15, 1987. One soil boring was advanced through the estimated center of the backfilled unit. Volatile organic compounds, semi-volatile organic compounds, and metals were detected in soils collected from soil boring SB-1 and in soil samples spilt with the NC DEHNR. The zone of highest contamination was the depth interval ranging from 8.5 to 10 feet, which corresponded to the estimated depth of the bottom of the impoundment. Chemical analyses indicated that soils within the former surface impoundment were contaminated with constituents characteristic of waste oil.

Following several other assessments and interactions with the NC DEHNR in the late 1980's (see Section III.E below), Transco submitted a Closure Plan to the NC DEHNR for closure of impoundment in October 1990 that specified that the pit would be closed by partially excavating materials and capping the impoundment with an impermeable liner. The NC DEHNR approved the Closure

Plan in November 1990 and, in April 1991 the impoundment was closed in accordance with the approved Closure Plan.

7. Groundwater monitoring wells were installed in a phased approach at the Facility. Assessment and post-closure groundwater monitoring documented the presence of volatile organic compounds and semi-volatile organic compounds in groundwater collected in the immediate vicinity of the former surface impoundment, most notably benzene and naphthalene. Barium, cadmium, chromium, lead, manganese, mercury, and iron, were also detected in groundwater at concentrations exceeding state guidelines.
8. By December 2003, benzene was the only organic constituent detected in groundwater collected in the vicinity of the former surface impoundment. Benzene has not been detected in groundwater collected at the Facility since December 2003.
9. The only constituents that are currently measured at concentrations exceeding 15A NCAC Subchapter 2L Groundwater Standards in groundwater are total iron and total manganese. Groundwater impact is localized and confined entirely onsite.

E. Summary of Regulatory Action

1. Investigative closure activities indicated the presence of contaminated soils at concentrations that could potentially impact groundwater quality. As a consequence, the NC DEHNR issued an Administrative Order on Consent (Docket Number 88-129) on May 19, 1988. The Administrative Order required that the unit be closed and post-closure care be initiated in compliance with 40 CFR 265 Subpart G. Additionally, subsurface conditions were required to be characterized in accordance with 40 CFR Subpart F.
2. Transco submitted a RCRA Part A Permit Application on June 14, 1988.
3. Transco submitted a closure plan for clean closure of the unit on June 30, 1988. However, benzene and naphthalene were measured in groundwater collected from monitoring wells installed at the site in 1989. The presence of hazardous waste constituents in groundwater required additional groundwater sampling and revisions to the closure plan to include a landfill cap.
4. In February 1989, Transco opted to close the unit in place rather than pursue clean closure. Transco submitted a revised Closure Plan on October 26, 1990.
5. The surface impoundment was closed as a landfill in April 1991 by excavating and disposing of the top two feet of soil. Following excavation activities, the impoundment was capped, covered with topsoil, and vegetated.
6. The unit was certified as closed in September 1991. Post closure care, including monitoring and maintenance, are conducted in accordance with the most recent Post-Closure Care Plan (dated January 2000).
7. A RCRA Facility Assessment (RFA) was conducted in October-November 1991. Twelve solid waste management units (SWMUs) and no areas of concern were identified during the RFA. No further action was recommended for eleven of the twelve SWMUs. Confirmatory sampling was recommended for SWMU 3 (waste oil tank). Although no further action was recommended for SWMU 1 (former

surface impoundment), the RFA did recommend continued management under RCRA Interim Status groundwater monitoring requirements (see attached figures).

8. An additional SWMU was identified in February 2001. Transco designated a previously unidentified former pit as SWMU 13 and notified the North Carolina Department of Environment and Natural Resources of the discovery in a letter dated August 7, 2001. Transco subsequently assessed SWMU 13 and reported the results to the NC DENR in 2002.

9. The Parties' current understanding of the site conceptual model and groundwater chemistry are based on the following documents:

A.T. Kearney, Inc., 1992, *RCRA Facility Assessment of Transcontinental Gas Pipeline Corporation*.

Radian Corporation, 1990, *Ground-Water Quality Assessment Report*.

Radian Corporation, 1990, *Closure Plan, Revision 3*.

Radian Corporation, 1992, *Phase II Groundwater Assessment Report*.

Radian Corporation, 1992, *Phase III Groundwater Quality Assessment and Monitoring Plan*.

Radian Corporation, 1993, *Phase III Groundwater Quality Assessment Report*.

Radian International, 2000, *Post-Closure Groundwater Monitoring Plan*.

Radian International, 2000, *Post-Closure Plan*.

S.S. Papadopoulos & Associates, Inc., 2012, *2011 Water Quality Monitoring, Station 150*, January 3, 2012.

URS, 2002, *RCRA Facility Investigation Report, Former Pit (SWMU-13)*.

Semi-annual groundwater monitoring reports.

10. Based on the above-referenced documents and other record information regarding the Facility, the Parties concur that although soil and groundwater contamination have been documented at the site in association with the former surface impoundment, a complete pathway between documented contamination and human receptors is not present under present day circumstances. To ensure the safety of human health, multiple engineered measures were implemented at the Facility to control and minimize the migration of contaminated groundwater. These measures include closure of the former surface impoundment, identification of potential groundwater receptors, implementation of a voluntary groundwater remediation action, fenced enclosure, and continued groundwater monitoring.

IV. Conclusions of Law and Determinations

Based upon the foregoing stipulations of fact and all other information available on the effective date of this Order, the Section concludes and determines that:

A. Definitions

1. "Hazardous wastes" shall mean those hazardous wastes defined in N.C.G.S. § 130A-290(a)(8) and 40 CFR Part 261, adopted by reference in 15A NCAC 13A .0106(a) through .0106(e).
2. "Hazardous constituents" shall mean those constituents listed in Appendix VIII to 40 CFR Part 261, adopted by reference in 15A NCAC 13A .0106(e), or any constituent identified in Appendix IX to 40 CFR Part 264, adopted by reference in 15A NCAC 13A .0109(a), or under N.C.G.S. § 130A-294.
3. "Landfill" shall have the meaning given in N.C.G.S. § 130A-290(a)(16).
4. The term "Facility" shall have the meaning given in 15A NCAC 13A .0102(c)(1).
5. The terms "disposal" and "treatment" shall have the meanings given in N.C.G.S. § 130A-290(a)(6) and (a)(42), respectively.
6. The term "Active Portion" shall have the meaning given in 40 CFR 260.10, adopted by reference in 15A NCAC 13A .0102(b).
7. The term "Corrective Action" shall mean all activities, including activities conducted beyond the Facility boundary, that are proposed or implemented to facilitate assessment, monitoring, and active or passive remediation of releases of hazardous waste or hazardous constituents to soil, groundwater, surface water, or the atmosphere associated with Hazardous Waste Management Units (HWMUs), Solid Waste Management Units (SWMUs), and/or Areas of Concern (AOCs) located at the Facility.

B. Status of Transco Station 150

1. "Transco" and "Transco Station 150" are persons as defined in N.C.G.S. § 130A-290(a)(22).
2. "Transco" and "Transco Station 150" are owners/operators as defined in N.C.G.S. § 130A-290(a)(21).

C. Application of RCRA Standards

1. As agreed upon in the Administrative Order on Consent (Docket# 88-129), Transco Station 150 generated and disposed of waste material in an onsite surface impoundment. This constitutes "disposal" as defined in N.C.G.S. § 130A-290(a)(6) as the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so that such solid waste or hazardous waste or any constituents thereof may enter the environment or be emitted into the air or discharged into any waters, including groundwater.

D. Integration of Order

1. This Order supersedes the activities required in the *Post-Closure Groundwater Monitoring Plan* (Radian International, 2000) and the *Post-Closure Plan* (Radian International, 2000). A revised *Sampling and Analysis Plan* shall be submitted as required in Section V.I.2.
2. This Order also supersedes any other agreement, verbal or written, between the Parties, concerning assessment and remediation of the regulated unit or SWMUs, that may have been entered into prior to the date of execution of this Order.
3. If any conflict exists between the specified methods of completing work pursuant to the documents referenced in Paragraph III.E.9 and this Order, the terms of this Order shall control.

E. Acceptance of Previous Work

1. The Section acknowledges that Transco Station 150 may have completed some of the tasks required by this Order and that some of the information and data required by this Order may be available. This previous work may be used to meet the requirements of this Order.

F. Responsibility Issues

1. Transco accepts full responsibility for satisfactory completion of all required tasks and activities in accordance with the terms and conditions of this Order and accepts further direction of the Section to achieve satisfactory completion of the corrective action required by this Order.

V. Scope of Work

- A. Reserved
- B. Transco shall complete the monitoring activities at the Facility to be described in a revised *Sampling and Analysis Plan* to be submitted by Transco (see Section V.I.2 below).
- C. All actions required pursuant to this Order shall be in accordance with applicable local, state, and federal laws and regulations.
- D. If documents submitted to the Section include any work that would constitute the practice of engineering as defined by N.C.G.S. Chapter 89C, the signature and seal of a professional engineer is required. If documents submitted include any work that would constitute the practice of geology as defined by N.C.G.S. Chapter 89E, the signature and seal of a licensed geologist is required. If any work is to be done on a well that would constitute well contractor activities as defined in N.C.G.S. Chapter 87, a certified well contractor shall be employed to perform the work.
- E. Any standard, requirement, criteria, or limitation under an environmental law or facility siting law promulgated by North Carolina that is more stringent than any federal standard, requirement, criteria, or limitation with respect to any hazardous waste or constituent is applicable to the Work to be done at this Facility; e.g., the groundwater standards promulgated at title 15A North Carolina Administrative Code Subchapter 2L shall apply to releases at the Facility and beyond the Facility boundary.
- F. Facility Site Conceptual Model (SCM)
 - 1. In order to bring the Facility into compliance with 40 CFR 270.14(b)(19), Transco must submit the following within sixty (60) days of the effective date of this Order:
 - a. A topographic map showing a distance of 1,000 feet around the Facility at a scale of 2.5 centimeters (1 inch) equal to not more than 61.0 meters (200 feet). Contours must be shown on the map. The contour interval must be sufficient to clearly show the pattern of surface water flow in the vicinity of and from each operational unit of the Facility; and
 - b. A property map showing the legal boundaries and locations of all structures.
 - 2. The Section has determined the current Facility Site Conceptual Model (SCM) to be based on the documents listed in Paragraph III.E.9. The information in the documents listed in Paragraph III.E.9 serve as the foundation for current Facility characterization and remediation decision making.
 - 3. Transco shall submit an updated SCM within ninety (90) calendar days following the discovery of additional groundwater contamination (*i.e.*, Item V.G.1 below) and a written request from the Section. Transco shall also submit a modified or updated SCM when either party determines there is a need for a new SCM.
- G. Facility Characterization to be Performed
 - 1. Groundwater contamination has been identified in association with SWMU 1 and SWMU 13. Groundwater characterization is currently considered to be complete for SWMU 1. In contrast, insufficient data are available to full characterize

groundwater quality at SWMU 13. As a consequence, further characterization is required in the vicinity of SWMU 13. Specifically, two additional groundwater monitoring wells will be installed and included in the groundwater monitoring program defined in the most recently approved *Sampling and Analysis Plan*. If additional groundwater contamination is discovered at either SWMU 1 or SWMU 13, Transco must determine the nature and extent of the contamination within the aquifer pursuant to this Paragraph.

2. Within sixty (60) calendar days after notification from the Hazardous Waste Section that additional Facility characterization is warranted to address newly discovered groundwater contamination (*i.e.*, Item V.G.1 above), Transco shall submit a Facility characterization workplan.
3. The Section will either accept or provide comments on the proposed Facility characterization workplan. Within thirty (30) calendar days of receiving notice from the Section of any deficiency in the Facility characterization workplan, Transco shall submit to the Section information or material sufficient to correct such deficiency. Transco shall implement the workplan at the Facility within sixty (60) calendar days of receiving concurrence from the Section.
4. Following the completion of any additional facility characterization required to address newly discovered groundwater contamination (*i.e.*, Item V.G.1 above), Transco shall prepare and submit to the Section Draft and Final Facility Characterization Reports for the investigations conducted pursuant to the workplans and the work performed as part of the Facility investigation. Transco shall submit the Draft Facility Characterization Reports to the Section for review in accordance with the schedule in the approved Facility Characterization Workplan(s). Transco shall submit the Final Facility Characterization Report to the Section according to the schedule set out in the Section's comments on the Draft Facility Characterization Report.

H. Remedial Strategy

1. Transco has established a conceptual remedial strategy for the Facility. The conceptual remedial strategy considers: (a) the SCM; (b) contaminants of concern; (c) the nature and extent of contamination; (d) the rate of contaminant movement; (e) the amount of time required to remediate the Facility; (f) media and receptors impacted; and (g) other relevant information gathered during the prior investigations at the Facility. The conceptual remedial strategy includes a discussion of investigations conducted to close data gaps and evaluate potential exposure pathways.
2. Transco shall update the existing remedial strategy upon the discovery of additional groundwater contamination (*i.e.*, Item V.G.1 above) and written request from the Section and at any other time Transco deems appropriate. Within thirty (30) calendar days of receiving written notice from the Section of any deficiency in a proposed remedial strategy, Transco shall submit to the Section information or material sufficient to correct such deficiency. When the Section determines that a remedial strategy has been amended appropriately, then the Section shall notify Transco in writing of its approval.
3. A remedial strategy shall at all times be consistent with appropriate and applicable EPA guidance. A remedial strategy shall be designed to meet the remedial goals for the Facility. The Section's remedial goals for the Facility include protection of all receptors as well as unrestricted use of groundwater, as

required under Title 15A NCAC Subchapter 2L. If Transco determines that alternate cleanup levels, as allowed by North Carolina Rules and Statutes, would be protective of human health and the environment, then such alternate levels shall be submitted to the Section for evaluation.

I. Remediation Program

1. Based upon the conceptual remedial strategy, Transco has selected the final remedy for the Facility. The final remedy includes continued, limited groundwater monitoring at SWMUs 1 and 13. Groundwater monitoring will be conducted in accordance with the most recently approved *Sampling and Analysis Plan*. Additionally, land use restrictions will be implemented at SWMUs 1 and 13. A draft Declaration of Perpetual Land Use Restrictions was submitted to the Section in December 2010. Transco shall update the draft Declaration of Perpetual Land Use Restrictions within sixty (60) calendar days of receiving written comments from the Section.
2. As part of its remediation program, Transco shall submit a revised *Sampling and Analysis Plan* describing groundwater monitoring protocols and defining when remediation will be considered complete. The revised *Sampling and Analysis Plan* shall be submitted within sixty (60) days following execution of this Order.
3. Transco agrees to and hereby binds all persons who, subsequent to the effective date of this Order, obtain any interest in the property to record such land use restrictions as shall be required by the Section. Any person who obtains an interest in any portion of the real property subject to this Order shall be given notice of this agreement, and the information contained in this Paragraph shall be included in the deed or other instrument creating rights in the real property, which document shall be promptly recorded in the Iredell County Courthouse.

VI. Data Quality Assurance and Quality Control

- A. Workplans shall contain quality assurance/quality control (QA/QC) and chain of custody procedures for all sampling, monitoring, and analytical activities. Transco shall document in the applicable report(s) any deviations from the QA/QC and chain of custody procedures in approved workplans, including reasons for the deviations.

VII. Property Access and Sampling Access

- A. Transco Station 150 shall assure that the Section and its representatives, including contractors, have access at all reasonable times to the Facility and to any other property where access is necessary to ensure performance of the activities required by this Order.
- B. Transco Station 150 shall allow the Section or its representatives to enter the Facility at reasonable times, upon notice to Transco Station 150, to review the progress of activities required by this Order, to conduct such tests as the Section deems necessary in connection with this Order, and to otherwise assess Transco Station 150's compliance with this Order.
- C. All persons with access to the Facility pursuant to this Order shall comply with Facility-specific health and safety plans and any applicable Facility security procedures.
- D. Transco Station 150 shall comply with the security requirements specified in 40 CFR 264.14, incorporated by reference in 15A NCAC 13A .0109(c), and consequently prevent or minimize the unknown or unauthorized entry of people, pets, or livestock onto the active portions of the Facility.
- E. Nothing in this Order shall limit any access rights the Section may have pursuant to law.

VIII. Data Collection/Document Availability/Reporting Requirements

- A. Transco shall, upon request, furnish the Section with copies of records required by this Order, including copies of daily reports, inspection reports, and laboratory/monitoring data.
- B. All data, factual information, and documents submitted by Transco pursuant to this Order shall be subject to public inspection. Transco shall not assert any confidentiality or privilege claim concerning any data gathered during any investigations or other actions required by this Order, including any hydrogeological or chemical data, any data submitted in support of a remedial proposal, or any other scientific or engineering data especially as regards an interim or final remedy. Except as specifically prohibited by this paragraph, Transco may assert a claim of confidentiality as to any process, method, technique, or any description thereof that Transco claim constitutes proprietary or trade secret information developed by Transco or developed by their contractor(s). Except as specifically prohibited by this paragraph, Transco may assert business confidentiality claims, if applicable, at the time information is submitted for information provided in connection with this Order in accordance with 40 CFR 2.203(b), adopted by reference in 15A NCAC 13A .0104(c), Chapter 132 of the North Carolina General Statutes, N.C.G.S. § 130A-304, or any other applicable State law. Any claim for confidentiality submitted pursuant to this paragraph shall be subject to North Carolina's confidentiality determination procedures and, if determined to be confidential, afforded protection by the Section as provided by North Carolina law.
- C. Documents that are asserted to be attorney work product or subject to privilege under law shall not be subject to inspection or copying under this Order. Transco shall provide the Section with (1) identification of the date, title, and subject matter of each document for which a privilege is asserted; and (2) an explanation as to why the privilege is applicable to the document or portions thereof. Notwithstanding the foregoing provision, the Section may seek disclosure of such documents through a court of competent jurisdiction.
- D. Transco shall notify the Section in writing as soon as possible, and no later than fifteen (15) working days after Transco obtains knowledge, of any planned physical alterations or additions (*e.g.*, facility or pipeline expansion, construction of new buildings or roads, etc.) which may impact the HWMU, SWMUs, AOCs, or areas contaminated by releases from these units.
- E. Transco shall report to the Section any situations associated with the HWMU, SWMUs, AOCs, or areas contaminated by releases from these units that may endanger human health or the environment. These reports shall be communicated orally within 24 hours and submitted in writing within five (5) working days of when Transco Station 150 becomes aware that the situation exists. Depending upon the circumstances, the Section may waive the five-day requirement and allow Transco to submit the written report within fifteen (15) working days.
- F. Unless otherwise notified, Transco shall submit a biennial report to the Section by March 1 of each even numbered year as required by 40 CFR 264.75, incorporated by reference in 15A NCAC 13A .0109(f). The biennial report shall be submitted on EPA form 8700-13 A/B. The report shall cover activities required by this Order during the previous calendar year. The certification submitted with the biennial report shall be signed by an authorized corporate officer of Transco.
- G. Transco shall preserve, for at least three (3) years after the termination of this Order, all records and documents in their possession or in the possession of their divisions, employees, agents, accountants, contractors, or attorneys that relate in any way to this

Order. As required under 40 CFR 264.74(b), incorporated by reference in 15A NCAC 13A .0109(f), the retention period for all records required under this part is extended automatically during the course of any unresolved enforcement action regarding the Facility or as requested by the Section.

For any hazardous waste generated, Transco shall retain a copy of all manifests for at least three (3) years.

- H. Notification and data collection/assessment requirements for newly identified SWMUs and AOCs.
1. Transco shall notify the Section in writing, within fifteen (15) calendar days of discovery, of any newly identified SWMU or AOC. The notification shall include, at a minimum, the location of the SWMU or AOC and all available information pertaining to the nature of the release (e.g., media affected, hazardous constituents released, magnitude of release).
 2. Transco shall prepare and submit to the Section, within ninety (90) calendar days of notification, a SWMU Assessment Report (SAR) for each newly identified SWMU or AOC. At a minimum, the SAR shall provide the following information:
 - a. Location of unit on a topographic map of appropriate scale such as required under 40 CFR 270.14(b)(19), incorporated by reference in 15A NCAC 13A .0113(b).
 - b. Designation of type and function of unit.
 - c. General dimensions, capacities and structural description of unit (including any available plans/drawings).
 - d. Dates that the unit operated.
 - e. Specification of all wastes that have been managed at/in the unit to the extent available, including any available data on hazardous constituents in the waste.
 - f. All available information pertaining to any release of hazardous waste or hazardous constituents from such unit (to include ground water data, soil analyses, air, and/or surface water data).
 3. Based on the data in the SAR, the Section shall determine the need for further investigations at the newly identified SWMU or AOC. If the Section determines that further investigations are needed, the Section shall require Transco to develop a plan for such investigations and to obtain Section approval before implementing the plan.
- I. Notification requirements and data collection/assessment for newly discovered releases at previously identified SWMUs and AOCs.
1. Transco shall notify the Section in writing of any newly discovered release(s) of hazardous waste or hazardous constituents identified during the course of ground water monitoring, field investigations, environmental audits of previously known SWMUs or AOCs, or by other means, within fifteen (15) calendar days of discovery. This requirement also applies to newly discovered releases at known SWMUs and AOCs for which additional investigation was not previously required.
 2. If the Section determines that further investigation of the SWMUs or AOCs is needed, the Section shall require Transco to develop a plan for such investigation and to obtain Section approval before implementing the plan.

- J. Transco shall furnish the Section with any relevant information that may be used to determine whether cause exists to terminate or revise this Order.

IX. Inspection and Training Requirements

- A. As part of the *Sampling and Analysis Plan* to be submitted within sixty (60) calendar days of the effective date of this Order (see Item V.1.2 above), Transco shall include for Section approval a general inspection and maintenance schedule for environmental monitoring and, if applicable, any remedial systems currently in use at the Facility. This plan shall be consistent with 40 CFR 264.15, incorporated by reference in 15A NCAC 13A .0109(c), and shall be updated as necessary to include additional or modified monitoring as required by this Order.

- B. As part of the *Sampling and Analysis Plan* to be submitted within sixty (60) calendar days of the effective date of this Order (see Item V.1.2 above), Transco shall include for Section approval a personnel training plan for employees and contractors involved with environmental monitoring and, if applicable, the remedial action system. The plan shall be consistent with 40 CFR 264.16, incorporated by reference in 15A NCAC 13A .0109(c). Training shall include instruction for emergency response, sampling, and maintenance procedures. The personnel training plan shall be updated as necessary to incorporate additional or modified monitoring, if required by this Order.

- C. Transco shall maintain copies of maintenance plans and records, training documents and records according to the requirements of Paragraph VIII.G of this Order.

X. Cost Estimate, Financial Assurance, and Adjustments

- A. In accordance with 40 CFR 265.121, incorporated by reference in 15A NCAC 13A .0110(g), Transco shall comply with the requirements listed in 40 CFR 264.100 and 264.101, incorporated by reference in 15A NCAC 13A .0109(g), for Facility corrective action as defined in Paragraph IV.A.7.
- B. Within one hundred eighty (180) calendar days of issuance of this Order, Transco shall submit for Section review and approval a written cost estimate as described in 40 CFR 264.144, incorporated by reference in 15A NCAC 13A .0109(i), for the actions required by this Order. This estimate shall be based on the Remedial Strategy described in Paragraph V.I.1. and the Facility's proposed corrective action.
- C. Subsequent cost estimates shall be prepared as described in 40 CFR 264.144(a), incorporated by reference in 15A NCAC 13A .0109(i), and shall be based on the most recently approved Remedial Strategy or Remediation Program. Additionally, the following requirements shall apply to the cost estimate.
 - 1. As described in 40 CFR 264.144(b), incorporated by reference in 15A NCAC 13A .0109(i), Transco shall adjust the cost estimate annually for inflation. The adjusted cost estimate shall be provided to the Section sixty (60) days prior to the anniversary date of the establishment of the financial assurance mechanism unless using a financial test or corporate guarantee, in which case the estimate shall be updated thirty (30) days after the close of the firm's fiscal year.
 - 2. Transco shall, as described in 40 CFR 264.144(c), incorporated by reference in 15A NCAC 13A .0109(i), submit cost adjustments for modifications to the Remedial Strategy described in Section V.H. or the Remediation Program described in Section V.I. within thirty (30) calendar days after receiving approval of the modification if the change increases the cost of corrective action.
- D. Transco Station 150 shall maintain at the Facility a copy of the latest cost estimate as described in 40 CFR 264.144(d), incorporated by reference in 15A NCAC 13A .0109(i).
- E. Within sixty (60) days of the approval of the estimate provided in Paragraph X.B, Transco shall establish financial assurance for corrective action by use of one or more of the mechanisms described in 40 CFR 264.145, incorporated by reference in 15A NCAC 13A .0109(i). The amount of financial assurance to be established for corrective action shall at least equal to the amount of the written cost estimate as provided in Paragraphs X.B. and X.C. of this Order or for an amount agreed upon by the Department. Financial assurance established pursuant to this Paragraph shall be used solely for the purpose of conducting the activities required by this Order.
- F. Financial assurance mechanism(s) established by Transco to satisfy the financial requirements for corrective action shall be worded as specified in 40 CFR 264.151, incorporated by reference in 15A NCAC 13A .0109(i), except that references to regulatory requirements for closure and/or post-closure care shall be replaced with the closure, post-closure care, and/or corrective action.
- G. Transco may change the mechanism(s) used to demonstrate financial assurance for corrective action required by this Order at any time, with prior notice to the Section, provided the alternate mechanism(s) meets the requirements of this Order.

- H. Transco's failure to demonstrate its financial ability to complete the Facility characterization and remediation shall not excuse the company's independent obligation to perform the activities required by this Order.

XI. Public Participation

A. The Section shall publish public notices and hold public hearings at the following times in accordance with 40 CFR 265.121, incorporated by reference in 15A NCAC 13A .0110(g):

1. Prior to the issuance of this Order; and
2. Upon completion of corrective action at the Facility or a portion of the Facility, but prior to the Section issuing a No Further Action determination for a portion of the Facility or an Acknowledgement of Termination pursuant to Paragraph XIV.C. of this Order.

When deemed necessary by the Section, additional public meetings will be held to address the public's concerns.

B. Consistent with the intent of N.C.G.S. Chapter 150B, at any hearing required by Paragraph XI.A. of this Order, the Section shall receive oral and written comments from the public and shall also receive written comments submitted by Transco in response to the public comments. The Section shall consider all these comments in making its decisions regarding continuing characterization of the Facility, remedy selection, and completion of corrective action for the Facility or a portion of the Facility.

XII. Delay in Performance

As soon as Transco is aware of the potential for delay in achieving the requirements of this Order, the company shall submit to the Section written documentation stating the reasons for the delay and the efforts made by Transco to avoid the delay, as well as a time by which such work can be completed. The Section shall review the documentation and shall approve the new schedule if Transco shows good cause for the potential delay. Good cause shall include, but is not limited to, extraordinary weather, natural disasters, and national emergencies. The burden of demonstrating that there is good cause for the proposed delay rests solely with Transco.

XIII. Dispute Resolution

If Transco disputes any decision of the Section made pursuant to this Order, and the matter cannot be resolved through less formal negotiations, Transco shall submit to the Section a written statement of the grounds for dispute within fourteen (14) days of being notified of such decision. Within a reasonable period following receipt of Transco's statement of dispute, the Section shall issue a written decision on the disputed matter.

Within fourteen (14) days of receiving the Section's written decision on the dispute, Transco shall provide a written statement as to whether it shall abide by the decision. If the Section does not receive from Transco a statement to abide by the Section's decision, or the statement is to the effect that Transco shall not abide by the Section's decision on the disputed matter, the Section shall have the right to deem the Order dissolved.

In the event that the Order is dissolved pursuant to the Dispute Resolution provision, the Section shall retain all its applicable enforcement rights against Transco, including calling for submittal of a RCRA application and financial assurance for a Post-Closure Permit and corrective action for the Facility. Transco shall retain any applicable defenses.

Transco's invocation of the Dispute Resolution provision shall not alone excuse noncompliance with this Order or any requirement established pursuant thereto.

XIV. Satisfaction of Order

- A. When Transco determines all requirements of this Order have been completed, it shall (1) give written notice to the Section indicating the Work required by the Order has been completed; and (2) file a petition to terminate the Order. Transco may also petition the Section to issue a No Further Action determination for a portion of the Facility. After completion of the Public Participation process required by Paragraphs XI.A - XI.B of this Order, the Section shall either agree or disagree with Transco's Termination Petition or No Further Action Petition for a portion of the Facility.
- B. If the Section determines that the Work required by this Order has not been completed, the Section shall notify Transco in writing of activities that must be undertaken to complete the Work, including a schedule for the performance of such activities. Once these additional activities are completed, Transco may file another petition pursuant to Paragraph XIV.A.
- C. If, after completion of the Public Participation process required by Paragraphs XI.A -XI.B, the Section concludes that the Work required by this Order has been satisfactorily performed, the Section shall memorialize its decision in a No Further Action Determination for a portion of the Facility or an Acknowledgment of Termination and Agreement on Record Preservation and Reservation of Rights. Except as specified below, all of Transco's obligations under this Order shall be deemed to be satisfied and terminated upon Transco's execution of the Acknowledgement issued by the Section. This notice shall not terminate Transco's obligation to comply with any continuing requirements hereunder, including but not limited to record preservation, reservation of rights, other claims, and indemnification of the State. Transco's execution of the Acknowledgement will affirm their continuing obligation, including the maintenance of institutional controls or other long-term measures that are an integral part of the final remedy.

XV. Change of Ownership or Operational Control

- A. Transco shall notify the Section in writing ninety (90) calendar days prior to the date of any change in ownership or operational control of the property on which the Facility is located or any proposed change of ownership or operational control of the monitoring system.
- B. This Order cannot be transferred to a new owner or operator. Transco shall notify the proposed new owner or operator about this Order, the termination of the Order upon ownership change, and the new owner or operator's responsibility to file a RCRA Part A permit application. Transco shall provide evidence to the Section of the notification to the proposed new owner or operator pursuant to this Paragraph. This evidence shall describe how Transco has assured that, despite the transfer in ownership or operation, all institutional controls required for the Facility, now or in the future, will be implemented and maintained. Additionally, Transco shall (1) assure the instrument effecting the conveyance or transfer of real or personal property interest contains a copy of this Order; and (2) use its best efforts to obtain access agreements to meet the requirements of Paragraph VII.A. from the party obtaining control of the real or personal property.
- C. In the event of change in ownership of the Facility, whether or not pursuant to a Brownfields Agreement, the Section shall retain all its applicable enforcement rights against Transco, including calling for submission of a RCRA permit application and financial assurance for a post-closure permit and corrective action.
- D. No change in corporate ownership or corporate status will alter Transco's obligations under this Order or excuse Transco's noncompliance with this Order or any requirement established pursuant thereto.
- E. No conveyance of title, easement, or other interest in the Facility, or a portion of the Facility, or the monitoring system will affect Transco's obligations under this Order. This paragraph will not apply if the Parties agree pursuant to Paragraph XIV.C. that this Order has terminated as to the Facility. This Paragraph will not apply to any portion of the Facility for which the Section has issued a no further action determination (e.g., clean-closed areas).

XVI. Decisions/Notification

A. All approvals by and decisions of the Section shall be communicated in writing to Transco by the Chief of the Hazardous Waste Section or her designee. No informal advice, guidance, suggestions, or comments by the Section regarding reports, plans, specifications, schedules or any other matter will relieve Transco of its obligation to obtain formal approvals as required by this Order.

B. All documents and notices required to be submitted by Transco to the Section pursuant to this Order shall be sent to:

Julie S. Woosley, Chief
N. C. Dept. of Environment and Natural Resources
Division of Waste Management
Hazardous Waste Section
1646 Mail Service Center
Raleigh, North Carolina 27699-1646

C. Unless otherwise agreed to by Transco, the Section shall direct all correspondence related to this Order to:

Mr. Rich Lutz
Staff Environmental Scientist
Transcontinental Gas Pipe Line, LLC
345 Greenbrier Drive
Charlottesville, VA 22901

With a copy to:

Mr. Mark Nelson, P.E.
Staff Engineer, Environmental Services Center of Excellence
Transcontinental Gas Pipe Line, LLC
2800 Post Oak Blvd., Level 17
Houston, TX 77056

XVII. Notice of Non-Liability of the State

- A. The State, its agencies, employees and other representatives shall not be deemed a party to any contract involving Transco and relating to activities at the Facility and shall not be liable for any claim or cause of action arising from or on account of any act or omission of Transco, their officers, employees, contractors, receivers, trustees, agents, assigns, or other representatives in carrying out the activities required by this Order.
- B. The State, its agencies, employees and other representatives shall not be liable for any injuries or damages to persons or property resulting from the acts or omissions of Transco, their officers, employees, contractors, receivers, trustees, agents, assigns, or other representatives caused by implementation of this Order or otherwise.

XVIII. Reservation of Rights

- A. The Section hereby reserves all of its statutory and regulatory powers, authorities, rights and remedies, both legal and equitable, including any which may pertain to Transco's failure to comply with any of the requirements of this Order. This Order shall not be construed as a covenant not to sue, or as a release, waiver or limitation of any rights, remedies, powers and/or authorities, civil or criminal, which the Section has under RCRA or any other statutory, regulatory, or common law authority.
- B. Transco's compliance with the terms of this Order shall not relieve Transco of any obligation to comply with any other applicable local, State, or federal laws and regulations. Similarly, this Order does not relieve Transco of any obligation to obtain and comply with any applicable local, State, or federal permit or approval.
- C. The issuance of this Order and Transco's stipulation to comply shall not limit or otherwise preclude the Section from taking additional enforcement action pursuant to RCRA, the North Carolina General Statutes, or any other authority should the Section determine that such action is warranted.
- D. The Section expressly reserves all rights and defenses that it may have, including the right to disapprove of work performed by Transco pursuant to this Order, to require that Transco correct any work performed despite disapproval by the Section, and to require that Transco perform tasks in addition to those specifically stated in this Order.
- E. Notwithstanding compliance with the terms of this Order, Transco is not released from liability, if any, for the costs of any response actions taken by the Section. The Section reserves the right to seek reimbursement from Transco for costs incurred by the Section in connection with any response action the Section undertakes or any costs incurred by the Section in overseeing implementation of this Order, including enforcement costs.
- F. Transco stipulates that pursuant to N.C.G.S. § 130A-18, and irrespective of all other remedies at law, the Section may file an action for injunctive relief in the Superior Court of Iredell County to enjoin any threatened or continuing violation of the requirements of this Order or the statutes or rules cited therein, including but not limited to the requirements for corrective action, or to impose any emergency response measures deemed necessary to protect human health and the environment.
- G. The Section may impose an administrative penalty on Transco for violating the requirements of this Order or the statutes or rules cited therein. The assessment of an administrative penalty pursuant to N.C.G.S. § 130A-22 will confer on Transco all rights under Chapter 150B of the North Carolina General Statutes to contest the Section's decision to impose an administrative penalty, but not to contest the validity or enforceability of this Order, in so far as Transco have both stipulated to the Section's jurisdiction and have waived their rights to contest the Section's enforcement of the Order pursuant to Paragraph II.B.
- H. The Chief of the Hazardous Waste Section may determine that acts or circumstances, whether or not directly related to this Order, may endanger human health, welfare, or the environment and may order Transco to stop further implementation of this Order, either temporarily or permanently, until the endangerment is abated. The State may also, for any other reason permitted by law, order Transco to cease activities associated with the HWMU, SWMUs, AOCs, or areas contaminated by releases from these units at the Facility.

- I. Nothing in this Order shall be construed as limiting the Section in performing its duty to protect the public health and the environment of the State as required by law. The State may order or independently initiate any response action it deems necessary to protect public health, welfare, or the environment.

XIX. Other Claims

- A. Nothing in this Order shall constitute or be construed as a release from any claim, cause of action or demand in law or equity against any person, firm, partnership, corporation, or other entity for any liability it may have arising out of or relating in any way to the generation, storage, treatment, handling, transportation, release, or disposal of any hazardous wastes or hazardous constituents found at, taken to, or taken from the Facility.
- B. Nothing herein shall constitute a satisfaction of, or release from, liability for any claim arising as a result of operation, ownership or use of the Facility by Transco, their agent(s), contractors, lessees, successors, or assigns.

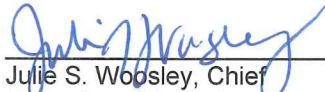
XX. Indemnification of the State of North Carolina

Transco stipulates that it will indemnify, save and hold harmless the State, its agencies, departments, agents, and employees, from all claims or causes of action arising from or on account of acts or omissions of Transco or their officers, employees, agents, independent contractors, receivers, trustees, and assigns in carrying out activities required by this Order. This indemnification will not affect or limit the rights or obligations of Transco or the State under their various contracts. This indemnification will not create any obligation on the part of Transco to indemnify the State from claims arising from the acts or omissions of the State.

XXI. Additional Provisions

- A. This Order may only be modified in writing. The existing Order shall remain in effect as written until such time as the Parties have executed a written amendment to the Order or until such time as the Section deems the Order satisfied pursuant to the provisions of Paragraph XIV.C.
- B. The signatory for each Party certifies that he or she is fully authorized to execute, and legally bind such Party to, this document.
- C. The annual activity fee specified in N.C.G.S. § 130A-294.1 shall be paid to the Division by Transco.
- D. If any judicial authority holds any provision of this Order to be invalid, the remaining provisions shall remain in force and shall not be affected.
- E. Except as otherwise provided in this Order, the Parties shall bear their own costs and attorneys fees.
- F. The Schedule of Compliance, which summarizes the Work required by this Order, is attached.
- G. This Order is effective on the date that the Section signs the Order.

FOR THE NORTH CAROLINA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES



Julie S. Woolsley, Chief
Hazardous Waste Section
Division of Waste Management




date signed

FOR TRANSCONTINENTAL GAS PIPE LINE CO., LLC



Glen Jasek
Director of Environmental Services



date signed

Schedule of Compliance

SCHEDULE OF COMPLIANCE – ACTUAL SCHEDULE

Task	Schedule
Submit a topographic map showing a distance of 1,000 feet around the Facility Paragraph V.F.1 (a)	Within sixty (60) calendar days of the effective date of this order
Submit a property map showing the legal boundaries and locations of all structures Paragraph V.F.1 (b)	Within sixty (60) calendar days of the effective date of this order
Revise <i>Declaration of Perpetual Land Use Restrictions</i> Paragraph V.I.1	Within sixty (60) calendar days after receiving written comments from the Section
Submit revised <i>Sampling and Analysis Plan</i> Paragraph V.I.2	Within sixty (60) calendar days of the effective date of this order
Submit a biennial report using EPA form 8700-13A/B Paragraph VIII.F	On or before March 1 st of each even numbered years
Include for Section approval a general inspection and maintenance schedule for environmental monitoring in the revised <i>Sampling and Analysis Plan</i> Paragraph IX.A	Within sixty (60) calendar days of the effective date of this Order
Include for Section approval personnel training plan for employees and contractors involved with environmental monitoring in the revised <i>Sampling and Analysis Plan</i> Paragraph IX.B	Within sixty (60) calendar days of the effective date of this Order
Submit for review and approval a written cost estimate for actions required by this Order Paragraph X.B	Within one hundred eighty (180) calendar days of the effective date of this Order
Establish financial assurance for corrective action by use of one or more financial mechanisms Paragraph X.E	Within sixty (60) calendar days following approval of the written cost estimate

SCHEDULE OF COMPLIANCE – AS REQUIRED

Task	Schedule
Submit a modified or updated SCM Paragraph V.F.3	Within ninety (90) calendar days following a written request from the Section
Submit a Facility Characterization Work Plan Paragraph V.G.2	Within sixty (60) calendar days after notification from the Hazardous Waste Section that additional characterization is warranted
Implement the Facility Characterization Work Plan Paragraph V.G.3	Within thirty (30) calendar days of receiving concurrence from the Section
Submit Draft Facility Characterization Reports Paragraph V.G.4	In accordance to the agreed upon schedule provided in the Work Plan
Submit Final Facility Characterization Report Paragraph V.G.4	In accordance to the agreed upon schedule set out in Section comments
Revise and update the existing remedial strategy Paragraph V.H.2	Within thirty (30) days following a written request from the Section
Notify the Section regarding planned physical alterations or additions which may impact HWMU, SWMUs, AOCs or other contaminated areas Paragraph VIII.D	As soon as possible, and no later than fifteen (15) calendar days after Transco Station 150 obtains knowledge
Report to the Section any situations that may endanger human health and/or the environment Paragraph VIII.E	Communicate orally within twenty-four (24) hours and follow up with written submittal within five (5) calendar days
Submit notification of any newly discovered or identified SWMUs or AOCs Paragraph VIII.H.1	Within fifteen (15) calendar days of discovery
Submit a SWMU Assessment Report for each newly identified SWMU or AOC Paragraph VIII.H.2	Within ninety (90) calendar days of notification
Submit notification of any newly discovered releases of hazardous constituents at previously identified SWMUs or AOCs Paragraph VIII.I.1	Within fifteen (15) calendar days of discovery
Update a general inspection and maintenance schedule for the environmental monitoring and remedial action systems currently in use as included in the revised <i>Sampling and Analysis Plan</i> Paragraph IX.A	Upon request from the Section
Update a personnel training plan for employees and contractors involved with environmental monitoring and the remedial action system as included in the revised <i>Sampling and Analysis Plan</i> Paragraph IX.B	Upon request from the Section
Notify the Section in writing prior to the date of any change in ownership or operational control of the property Paragraph XV.A	Within ninety (90) calendar days prior to the date of change in ownership or operational control



Google

Eye alt - 4439 ft

Apr 11, 2010

elev. 789 ft

CircleviewDr 35°31'38.94" N 80°51'36.19" W

Data SIO, NOAA, U.S. Navy, NGA, GEBCO
© 2010 Google

Williams Gas Pipeline Transco - Mooresville

Pipeline Dr

Tap 1 Dr

Transco Rd

Mecklynn Rd

Alcove Rd

Plympton Rd

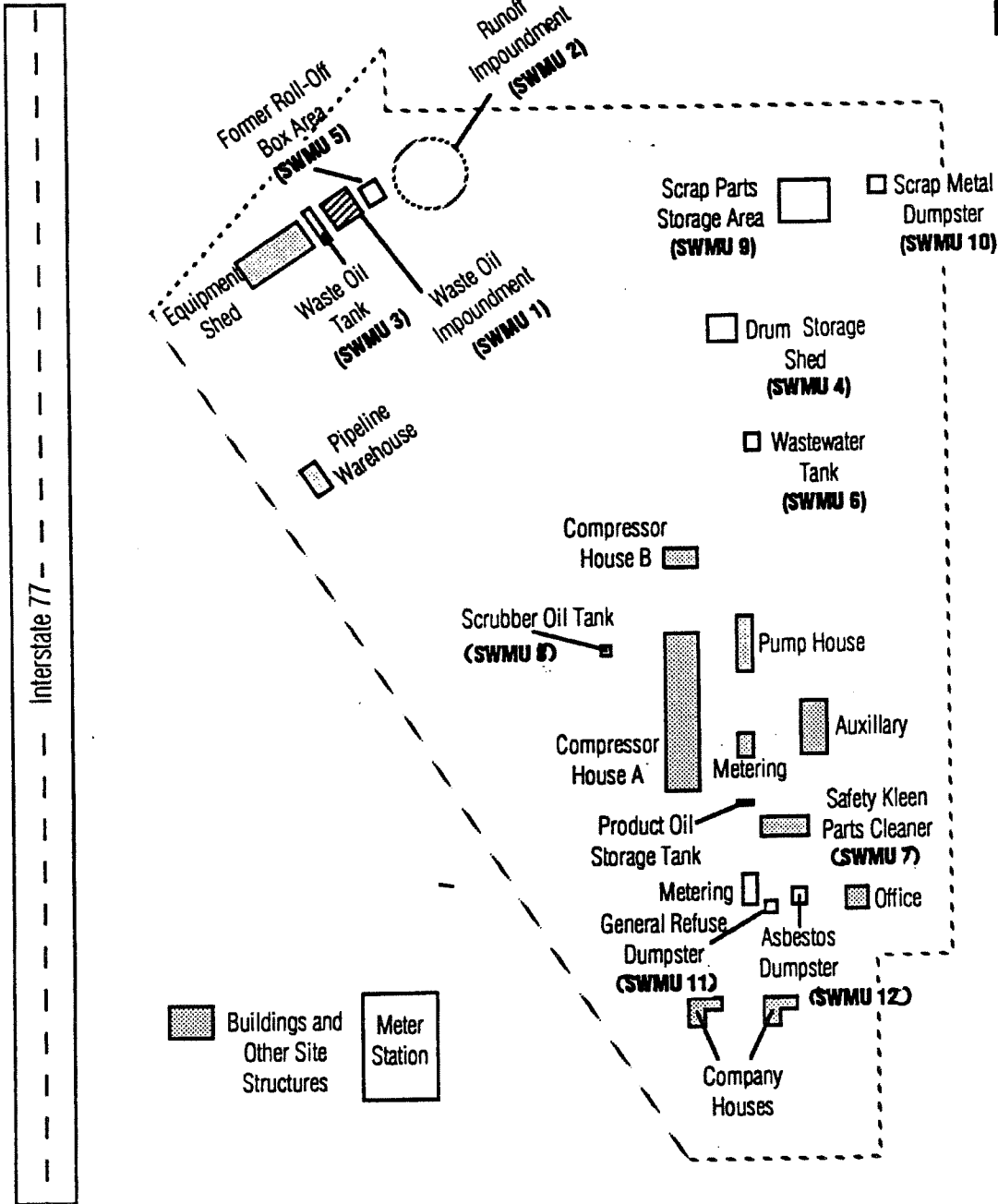
2377

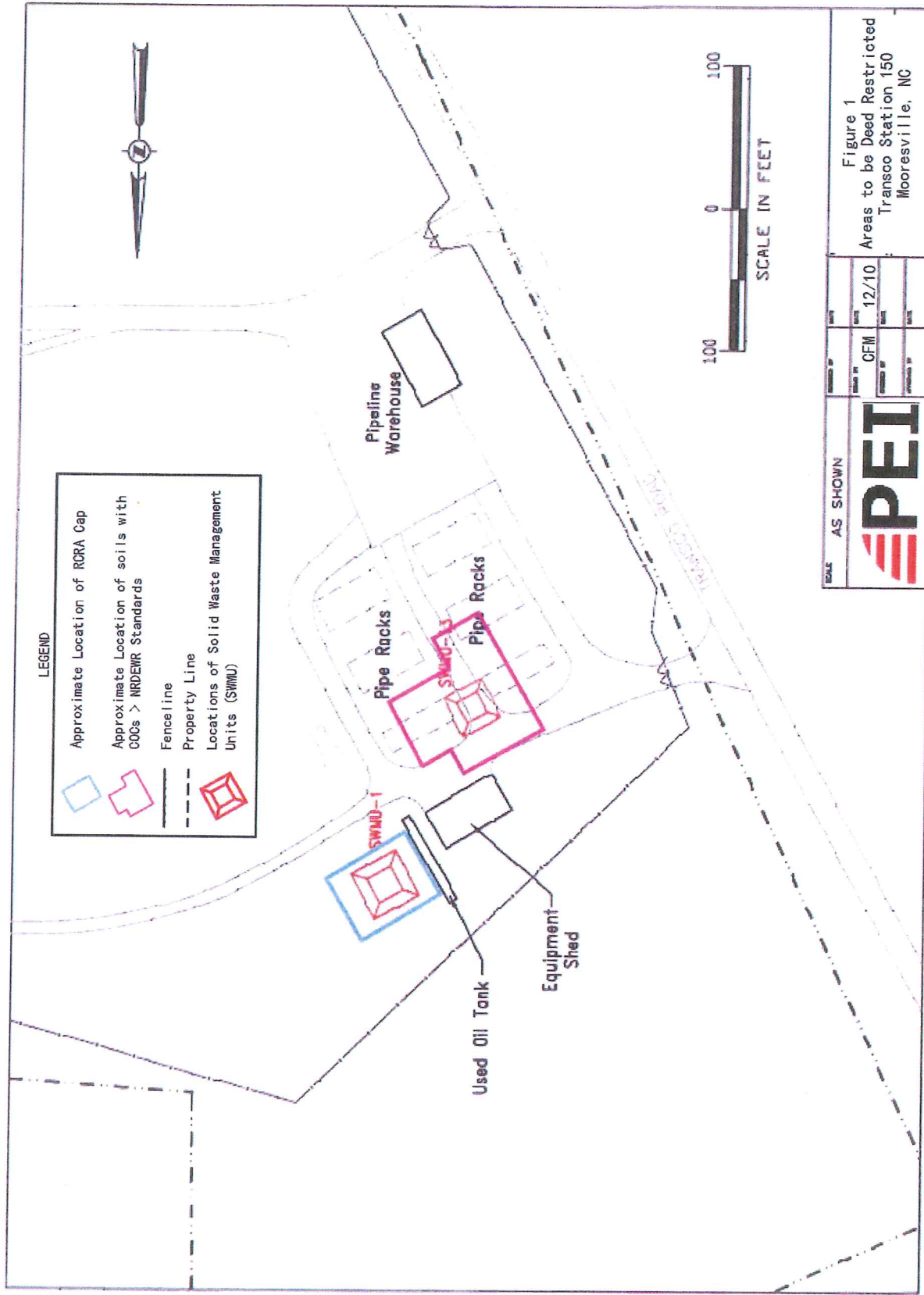
Lantheer Rd



Figure 2 Monitoring Well Location Map

SWMU Map





LEGEND

- Approximate Location of RORA Cap
- Approximate Location of soils with COCs > NRDEWR Standards
- Fenceline
- - - Property Line
- Locations of Solid Waste Management Units (SWMU)

SCALE AS SHOWN		
DATE	BY	
12/10	CFM	Figure 1 Areas to be Deed Restricted Transco Station 150 Mooresville, NC



*State of North Carolina
Office of Administrative Hearings*

Certification

I hereby certify the attached 11 sheets to be a true copy of

15A NCAC 13A – HAZARDOUS WASTE MANAGEMENT

*The original of which is filed in this office in conformance
with Chapter 150B of the General Statutes of the State of
North Carolina.*

*In witness whereof, I authorize this
certification and affix the official seal of
the North Carolina Office of
Administrative Hearings at Raleigh,
this 17th day of May 2011.*

*Julian Mann, III
Chief Administrative Law Judge, Director*

By: *Dana M. Vojtko*

CHAPTER 13 – SOLID WASTE MANAGEMENT

SUBCHAPTER 13A - HAZARDOUS WASTE MANAGEMENT

SECTION .0100 - HAZARDOUS WASTE

15A NCAC 13A .0101 GENERAL

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

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

- (1) "Department of Environment and Natural Resources" shall be substituted for "Environmental Protection Agency" except in 40 CFR 262.51 through 262.54, 262.56, 262.57, and Part 124 where references to the Environmental Protection Agency shall remain without substitution;
- (2) "Secretary of the Department of Environment and Natural Resources" shall be substituted for "Administrator," "Regional Administrator," "Assistant Administrator" and "Director" except for 40 CFR 262.55 through 262.57, 264.12(a), 268.5, 268.6, 268.42(b), 268.44, and Part 124 where the references to the Administrator, Regional Administrator, Assistant Administrator and Director shall remain without substitution.

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

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

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

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

- (1) Persons interested in receiving rule-making notices concerning the North Carolina Hazardous Waste Management Rules must submit a written request to the Hazardous Waste Section, PO Box 29603, Raleigh, N.C. 27611-9603. A check in the amount of fifteen dollars (\$15.00) made payable to The Hazardous Waste Section must be enclosed with each request. Upon receipt of each request, individuals shall be placed on a mailing list to receive notices for one year.
- (2) Material incorporated by reference in the Federal Register may be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 at a cost of seven hundred and sixty four dollars (\$764.00) per year. Federal Register materials are codified once a year in the Code of Federal Regulations and may be obtained at the above address for a cost of: 40 CFR 100-135 forty two dollars (\$42.00), 40 CFR 260-265 forty seven dollars (\$47.00) and 40 CFR 266-299, forty seven dollars (\$47.00), total one hundred thirty six dollars (\$136.00).
- (3) The North Carolina Hazardous Waste Management Rules, including the incorporated by reference materials, may be obtained from the Hazardous Waste Section at the cost to the Section.
- (4) All material is available for inspection at the Department of Environment and Natural Resources, Hazardous Waste Section, 401 Oberlin Road, Raleigh, NC.

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

15A NCAC 13A .0102 DEFINITIONS

(a) The definitions contained in G.S. 130A-290 apply to this Subchapter.

(b) 40 CFR 260.10 (Subpart B), Definitions, is incorporated by reference, including subsequent amendments and editions except that the Definitions for "Disposal", "Landfill", "Management or hazardous waste management", "Person", "Sludge", "Storage", and "Treatment" are defined by G.S. 130A-290 and are not incorporated by reference, and

the definitions in 260.10 for "Facility", "Transfer Facility", "Hazardous secondary material", "Hazardous secondary material generated and reclaimed under the control of the generator", "Hazardous secondary material generator", "Intermediate facility", and "Land-based unit" are not incorporated by reference.

(c) The following definitions shall be substituted for "Facility" and "Transfer Facility":

- (1) "Facility" means:
 - (A) All contiguous land, structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of hazardous waste. A facility may consist of several treatment, storage, or disposal operational units (e.g., one or more landfills, surface impoundments, or combinations of them).
 - (B) For the purpose of implementing corrective action under 40 CFR 264.101, all contiguous property under the control of the owner or operator seeking a permit under Subtitle C of RCRA. This definition also applies to facilities implementing corrective action under RCRA Section 3008(h).
 - (C) Notwithstanding Part (B) of this definition, a remediation waste management site is not a facility that is subject to 40 CFR 264.101, but is subject to corrective action requirements if the site is located within such a facility.
- (2) "Transfer facility" means any transportation-related facility including loading docks, parking areas, storage areas and other similar areas where shipments of hazardous waste are held during the normal course of transportation.

(d) The following additional definitions shall apply throughout this Subchapter:

- (1) "Section" means the Hazardous Waste Section, in the Division of Waste Management, Department of Environment and Natural Resources.
- (2) The "Department" means the Department of Environment and Natural Resources (DENR).
- (3) "Division" means the Division of Waste Management (DWM).
- (4) "Long Term Storage" means the containment of hazardous waste for an indefinite period of time in a facility designed to be closed with the hazardous waste in place.
- (5) "Off-site Recycling Facility" means any facility that receives shipments of hazardous waste from off-site to be recycled or processed for recycling through any process conducted at the facility, but does not include any facility owned or operated by a generator of hazardous waste solely to recycle their own waste.

History Note: Authority G.S. 130A-294(c); 150B-21.6;
Eff. September 1, 1979;
Amended Eff. June 1, 1989; June 1, 1988; February 1, 1987; October 1, 1986;
Transferred and Recodified from 10 NCAC 10F .0002 Eff. April 4, 1990;
Amended Eff. April 1, 1993; October 1, 1990; August 1, 1990;
Recodified from 15A NCAC 13A .0002 Eff. December 20, 1996;
Amended Eff. August 1, 2000;
Temporary Amendment Eff. January 1, 2009;
Amended Eff. July 1, 2010.

15A NCAC 13A .0103 PETITIONS - PART 260

- (a) All rulemaking petitions for changes in this Subchapter shall be made in accordance with 15A NCAC 24B .0101.
- (b) In applying the federal requirements incorporated by reference in this Rule, "15A NCAC 24B .0101" shall be substituted for references to 40 CFR 260.20.
- (c) 40 CFR 260.21 through 260.43 (Subpart C), "Rulemaking Petitions," are incorporated by reference including subsequent amendments and editions, except that 40 CFR 260.30(d), 260.30(e), 260.33(c), 260.34, 260.42 and 260.43 are not incorporated by reference.

History Note: Authority G.S. 130A-294(c); 150B-21.6;
Eff. November 19, 1980;
Amended Eff. June 1, 1988; May 1, 1987; January 1, 1986; October 1, 1985;
Transferred and Recodified from 10 NCAC 10F .0028 Eff. April 4, 1990;
Amended Eff. April 1, 1993; November 1, 1991; October 1, 1990;
Recodified from 15A NCAC 13A .0003 Eff. December 20, 1996;

Amended Eff. August 1, 2000;
Temporary Amendment Eff. January 1, 2009;
Amended Eff. July 1, 2010.

15A NCAC 13A .0104 PUBLIC INFORMATION - PART 2

(a) The provisions concerning requests for information in 40 CFR 2.100 to 2.121 (Subpart A) are incorporated by reference including subsequent amendments and editions, except that 40 CFR 2.106(b), 2.112(f), and 2.120 are not incorporated by reference.

(b) The following address for the Headquarters Freedom of Information Operations (1105) is substituted for the address 1200 Pennsylvania Ave., N.W., Washington, DC 20460 in 40 CFR 2.106(a) and 2.213(a): Division of Waste Management, 1646 Mail Service Center, Raleigh, NC 27699-1646.

(c) The provisions concerning confidentiality of business information in 40 CFR 2.201 to 2.311 (Subpart B) are incorporated by reference including subsequent amendments and editions, except that 40 CFR 2.209 (b) and (c), 2.301, 2.302, 2.303, 2.304, 2.306, 2.307, 2.308, 2.309, 2.310 and 2.311 are not incorporated by reference.

History Note: Authority G.S. 130A-294(c); 150B-21.6;
Eff. January 1, 1986;
Amended Eff. June 1, 1988;
Transferred and Recodified from 10 NCAC 10F .0040 Eff. April 4, 1990;
Amended Eff. August 1, 1990;
Recodified from 15A NCAC 13A .0005 Eff. August 30, 1990;
Amended Eff. April 1, 1993; October 1, 1990;
Recodified from 15A NCAC 13A .0004 Eff. December 20, 1996;
Amended Eff. May 1, 2002; August 1, 2000.

15A NCAC 13A .0105 GENERAL PROGRAM REQUIREMENTS - PART 124

(a) 40 CFR 124.1 through 124.21 (Subpart A), "General Program Requirements", are incorporated by reference including subsequent amendments and editions, except that 40 CFR 124.2(c) is not incorporated by reference.

(b) 40 CFR 124.31 through 124.33 (Subpart B), "Specific Procedures Applicable to RCRA Permits", are incorporated by reference including subsequent amendments and editions, except that 40 CFR 124.31(a), 124.32(a) and 124.33(a) are not incorporated by reference.

(1) The following shall be substituted for the provisions of 40 CFR 124.31(a) which are not incorporated by reference:

(A) Applicability. The requirements of this section shall apply to all RCRA part B applications seeking initial permits for hazardous waste management units and shall also apply to RCRA part B applications seeking renewal of permits for such units, where the renewal application is proposing a significant change in facility operations. For the purposes of this Section, a "significant change" is any change that would qualify as a class 3 permit modification under 40 CFR 270.42.

(B) The requirements of this Section do not apply to permit modifications under 40 CFR 270.42 or to applications that are submitted for the sole purpose of conducting post-closure activities or post-closure activities and corrective action at a facility.

(2) The following shall be substituted for the provisions of 40 CFR 124.32(a) which are not incorporated by reference:

(A) Applicability. The requirements of this Section shall apply to all RCRA part B applications seeking initial permits for hazardous waste management units.

(B) The requirements of this Section shall apply to RCRA part B applications seeking renewal of permits for such units under 40 CFR 270.51.

(C) The requirements of this Section do not apply to permit modifications under 40 CFR 270.42 or permit applications submitted for the sole purpose of conducting post-closure activities or post-closure activities and corrective action at a facility.

(3) The following shall be substituted for the provisions of 40 CFR 124.33(a) which are not incorporated by reference: Applicability. The requirements of this Section apply to all applications seeking RCRA permits for hazardous waste management units.

History Note: Authority G.S. 130A-294(c); 150B-21.6;
Eff. November 19, 1980;
Amended Eff. February 1, 1988; October 1, 1986; July 1, 1986; July 1, 1985;
Transferred and Recodified from 10 NCAC 10F .0035 Eff. April 4, 1990;
Recodified from 15A NCAC 13A .0006 Eff. August 30, 1990;
Amended Eff. April 1, 1993; October 1, 1990;
Recodified from 15A NCAC 13A .0005 Eff. December 20, 1996;
Amended Eff. August 1, 1998.

15A NCAC 13A .0106 IDENTIFICATION AND LISTING OF HAZARDOUS WASTES - PART 261

- (a) 40 CFR 261.1 through 261.9 (Subpart A), "General", are incorporated by reference including subsequent amendments and editions, except that 40 CFR 261.2(a)(2)(ii) and 40 CFR 261.4(a)(23), 261.4(a)(24), and 261.4(a)(25) are not incorporated by reference.
- (b) 40 CFR 261.10 through 261.11 (Subpart B), "Criteria for Identifying the Characteristics of Hazardous Waste and for Listing Hazardous Waste", are incorporated by reference including subsequent amendments and editions.
- (c) 40 CFR 261.20 through 261.24 (Subpart C), "Characteristics of Hazardous Waste" are incorporated by reference including subsequent amendments and editions.
- (d) 40 CFR 261.30 through 261.37 (Subpart D), "Lists of Hazardous Wastes" are incorporated by reference including subsequent amendments and editions.
- (e) 40 CFR 261.38 through 261.41 (Subpart E), "Exclusions/Exemptions" are incorporated by reference including subsequent amendments and editions.
- (f) The Appendices to 40 CFR Part 261 are incorporated by reference including subsequent amendments and editions.

History Note: Authority G.S. 130A-294(c); 150B-21.6;
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Recodified from 15A NCAC 13A .0007 Eff. August 30, 1990;
Amended Eff. January 1, 1996; April 1, 1993; February 1, 1992;
December 1, 1990;
Recodified from 15A NCAC 13A .0006 Eff. December 20, 1996;
Amended Eff. April 1, 2007; August 1, 2000;
Temporary Amendment Eff. January 1, 2009;
Amended Eff. July 1, 2010.

15A NCAC 13A .0107 STDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE - PART 262

- (a) 40 CFR 262.10 through 262.12 (Subpart A), "General", are incorporated by reference including subsequent amendments and editions.
- (b) 40 CFR 262.20 through 262.27 (Subpart B), "The Manifest", are incorporated by reference including subsequent amendments and editions except that 262.24, 262.25, and 262.26 are not incorporated by reference.
- (c) 40 CFR 262.30 through 262.34 (Subpart C), "Pre-Transport Requirements", are incorporated by reference including subsequent amendments and editions.
- (d) 40 CFR 262.40 through 262.44 (Subpart D), "Recordkeeping and Reporting", are incorporated by reference including subsequent amendments and editions. In addition, a generator shall keep records of inspections and results of inspections required by Section 262.34 for at least three years from the date of the inspection.
- (e) 40 CFR 262.50 through 262.58 (Subpart E), "Exports of Hazardous Waste", are incorporated by reference including subsequent amendments and editions.
- (f) 40 CFR 262.60 (Subpart F), "Imports of Hazardous Waste", is incorporated by reference including subsequent amendments and editions.
- (g) 40 CFR 262.70 (Subpart G), "Farmers" is incorporated by reference including subsequent amendments and editions.
- (h) 40 CFR 262.80 through 262.89 (Subpart H), "Transfrontier Shipments of Hazardous Waste for Recovery within the OECD", are incorporated by reference including subsequent amendments and editions, except that 40 CFR 262.89(e) is not incorporated by reference.

(i) 40 CFR 262.200 through 262.216 (Subpart K), "Alternative Requirements for Hazardous Waste Determination and Accumulation of Unwanted Material for Laboratories Owned by Eligible Academic Entities", is incorporated by reference including subsequent amendments and editions.

(j) The appendix to 40 CFR Part 262 is incorporated by reference including subsequent amendments and editions.

History Note: Authority G.S. 130A-294(c); 150B-21.6;
Eff. November 19, 1980;
Amended Eff. December 1, 1988; June 1, 1988; August 1, 1987; May 1, 1987;
Transferred and Recodified from 10 NCAC 10F .0030 Eff. April 4, 1990;
Amended Eff. August 1, 1990;
Recodified from 15A NCAC 13A .0008 Eff. August 30, 1990;
Amended Eff. April 1, 1993; October 1, 1990;
Recodified from 15A NCAC 13A .0007 Eff. December 20, 1996;
Amended Eff. April 1, 2010; November 1, 2007; January 1, 2007; April 1, 2001; August 1, 1998.

15A NCAC 13A .0108 STDS APPLICABLE TO TRANSPORTERS OF HAZARDOUS WASTE - PART 263

(a) 40 CFR 263.10 through 263.12 (Subpart A), "General", are incorporated by reference including subsequent amendments and editions.

(b) 40 CFR 263.20 through 263.22 (Subpart B), "Compliance With the Manifest System and Record keeping", are incorporated by reference including subsequent amendments and editions.

(c) Upon discovering a significant manifest discrepancy, the transporter must attempt to reconcile the discrepancy with the waste generator (e.g. with telephone conversations). If the discrepancy is not resolved within 15 days after receiving the waste, the transporter must immediately submit to the Department a letter describing the discrepancy and attempts to reconcile it with a copy of the manifest or shipping paper at issue.

(d) Manifest discrepancies are differences between the quantity or type of hazardous waste designated on the manifest or shipping paper, and the quantity or type of hazardous waste a transporter actually transports. Significant discrepancies in quantity are: for bulk waste, variations greater than 10 percent in weight; and, for batch waste, any variation in piece count (e.g. a discrepancy of one drum in a truckload). Significant discrepancies in type are obvious differences which can be discovered by inspection or waste analysis (e.g. waste solvent substituted for waste acid, or toxic constituents not reported on the manifest or shipping paper).

(e) 40 CFR 263.30 through 263.31 (Subpart C), "Hazardous Waste Discharges", are incorporated by reference including subsequent amendments and editions.

History Note: Authority G.S. 130A-294(c); 150B-21.6;
Eff. November 19, 1980;
Amended Eff. June 1, 1988; August 1, 1987; May 1, 1987; October 1, 1986;
Transferred and Recodified from 10 NCAC 10F .0031 Eff. April 4, 1990;
Recodified from 15A NCAC 13A .0009 Eff. August 30, 1990;
Amended Eff. April 1, 1993; October 1, 1990;
Recodified from 15A NCAC 13A .0008 Eff. December 20, 1996;
Amended Eff. August 1, 2000.

15A NCAC 13A .0109 STANDARDS FOR OWNERS/OPERATORS OF HWTSD FACILITIES - PART 264

(a) Any person who treats, stores or disposes of hazardous waste shall comply with the requirements set forth in this Section. The treatment, storage or disposal of hazardous waste is prohibited except as provided in this Section.

(b) 40 CFR 264.1 through 264.4 (Subpart A), "General", are incorporated by reference including subsequent amendments and editions.

(c) 40 CFR 264.10 through 264.19 (Subpart B), "General Facility Standards", are incorporated by reference including subsequent amendments and editions.

(d) 40 CFR 264.30 through 264.37 (Subpart C), "Preparedness and Prevention", are incorporated by reference including subsequent amendments and editions.

(e) 40 CFR 264.50 through 264.56 (Subpart D), "Contingency Plan and Emergency Procedures", are incorporated by reference including subsequent amendments and editions.

(f) 40 CFR 264.70 through 264.77 (Subpart E), "Manifest System, Recordkeeping, and Reporting", are incorporated by reference including subsequent amendments and editions.

(g) 40 CFR 264.90 through 264.101 (Subpart F), "Releases From Solid Waste Management Units", are incorporated by reference including subsequent amendments and editions. For the purpose of this incorporation by reference, "January 26, 1983" shall be substituted for "July 26, 1982" contained in 40 CFR 264.90(a)(2).

(h) 40 CFR 264.110 through 264.120 (Subpart G), "Closure and Post-Closure", are incorporated by reference including subsequent amendments and editions.

(i) 40 CFR 264.140 through 264.151 (Subpart H), "Financial Requirements", are incorporated by reference including subsequent amendments and editions, except that 40 CFR 264.143(a)(3), (a)(4), (a)(5), (a)(6), 40 CFR 264.145(a)(3), (a)(4), (a)(5), and 40 CFR 264.151(a)(1), Section 15 are not incorporated by reference.

(1) The following shall be substituted for the provisions of 40 CFR 264.143(a)(3) which were not incorporated by reference:

The owner or operator shall deposit the full amount of the closure cost estimate at the time the fund is established. Within one year of February 1, 1987, an owner or operator using a closure trust fund established prior to February 1, 1987, shall deposit an amount into the fund so that its value after this deposit at least equals the amount of the current closure cost estimate, or shall obtain other financial assurance as specified in this Section.

(2) The following shall be substituted for the provisions of 40 CFR 264.143(a)(6) which were not incorporated by reference:

After the trust fund is established, whenever the current closure cost estimate changes, the owner or operator shall compare the new estimate with the trustee's most recent annual valuation of the trust fund. If the value of the fund is less than the amount of the new estimate, the owner or operator within 60 days after the change in the cost estimate, shall either deposit an amount into the fund so that its value after this deposit at least equals the amount of the current closure cost estimate, or obtain other financial assurance as specified in this section to cover the difference.

(3) The following shall be substituted for the provisions of 40 CFR 264.145(a)(3) which were not incorporated by reference:

(A) Except as otherwise provided in Part (i)(3)(B) of this Rule, the owner or operator shall deposit the full amount of the post-closure cost estimate at the time the fund is established.

(B) If the Department finds that the owner or operator of an inactive hazardous waste disposal unit cannot provide financial assurance for post-closure through any other option (e.g. surety bond, letter of credit, or corporate guarantee), a plan for annual payments to the trust fund over the term of the RCRA post-closure permit may be established by the Department as a permit condition.

(4) The following additional requirement shall apply:

The trustee shall notify the Department of payment to the trust fund, by certified mail within 10 days following said payment to the trust fund. The notice shall contain the name of the Grantor, the date of payment, the amount of payment, and the current value of the trust fund.

(j) 40 CFR 264.170 through 264.179 (Subpart I), "Use and Management of Containers", are incorporated by reference including subsequent amendments and editions.

(k) 40 CFR 264.190 through 264.200 (Subpart J), "Tank Systems", are incorporated by reference including subsequent amendments and editions.

(l) The following are requirements for Surface Impoundments:

(1) 40 CFR 264.220 through 264.232 (Subpart K), "Surface Impoundments", are incorporated by reference including subsequent amendments and editions.

(2) The following are additional standards for surface impoundments:

(A) The liner system shall consist of at least two liners;

(B) Artificial liners shall be equal to or greater than 30 mils in thickness;

(C) Clayey liners shall be equal to or greater than five feet in thickness and have a maximum permeability of 1.0×10^{-7} cm/sec;

(D) Clayey liner soils shall have the same characteristics as described in Subparts (r)(4)(B)(ii), (iii), (iv), (vi) and (vii) of this Rule;

(E) A leachate collection system shall be constructed between the upper liner and the bottom liner;

(F) A leachate detection system shall be constructed below the bottom liner; and

- (G) Surface impoundments shall be constructed in such a manner to prevent landsliding, slippage or slumping.
- (m) 40 CFR 264.250 through 264.259 (Subpart L), "Waste Piles", are incorporated by reference including subsequent amendments and editions.
- (n) 40 CFR 264.270 through 264.283 (Subpart M), "Land Treatment", are incorporated by reference including subsequent amendments and editions.
- (o) 40 CFR 264.300 through 264.317 (Subpart N), "Landfills", are incorporated by reference including subsequent amendments and editions.
- (p) A long-term storage facility shall meet groundwater protection, closure and post-closure, and financial requirements for disposal facilities as specified in Paragraphs (g), (h), and (i) of this Rule.
- (q) 40 CFR 264.340 through 264.351 (Subpart O), "Incinerators", are incorporated by reference including subsequent amendments and editions.
- (r) The following are additional location standards for facilities:
- (1) In addition to the location standards set forth in 15A NCAC 13A .0109(c), the Department, in determining whether to issue a permit for a hazardous waste management facility, shall consider the risks posed by the proximity of the facility to water table levels, flood plains, water supplies, public water supply watersheds, mines, natural resources such as wetlands, endangered species habitats, parks, forests, wilderness areas, and historical sites, and population centers and shall consider whether provision has been made for buffer zones as required by this Rule. The Department shall also consider ground water travel time, soil pH, soil cation exchange capacity, soil composition and permeability, slope, climate, local land use, transportation factors such as proximity to waste generators, route, route safety, and method of transportation, aesthetic factors such as the visibility, appearance, and noise level of the facility; potential impact on air quality, existence of seismic activity and cavernous bedrock. The basis for issuing or denying the permit are found in 40 CFR 264 as adopted by reference in this Rule.
 - (2) The following minimum separation distances shall be required of all hazardous waste management facilities except that existing facilities shall be required to meet these minimum separation distances to the maximum extent feasible:
 - (A) All hazardous waste management facilities shall be located at least 0.25 miles from institutions including but not limited to schools, health care facilities and prisons, unless the owner or operator can demonstrate that no risks shall be posed by the proximity of the facility.
 - (B) All hazardous waste treatment and storage facilities shall comply with the following separation distances: all hazardous waste shall be treated and stored a minimum of 50 feet from the property line of the facility; except that all hazardous waste with ignitable, incompatible or reactive characteristics shall be treated and stored a minimum of 200 feet from the property line of the facility if the area adjacent to the facility is zoned for any use other than industrial or is not zoned.
 - (C) All hazardous waste landfills, long-term storage facilities, land treatment facilities and surface impoundments, shall comply with the following separation distances:
 - (i) All hazardous waste shall be located a minimum of 200 feet from the property line of the facility;
 - (ii) Each hazardous waste landfill, long-term storage or surface impoundment facility shall be constructed so that the bottom of the facility is 10 feet or more above the historical high ground water level. The historical high ground water level shall be determined by measuring the seasonal high ground water levels and predicting the long-term maximum high ground water level from published data on similar North Carolina topographic positions, elevations, geology, and climate; and
 - (iii) All hazardous waste shall be located a minimum of 1,000 feet from the zone of influence of any existing off-site ground water well used for drinking water, and outside the zone of influence of any existing or planned on-site drinking water well.
 - (D) Hazardous waste storage and treatment facilities for liquid waste that is classified as TC toxic, toxic, or acutely toxic and is stored or treated in tanks or containers shall not be located:

- (i) in the recharge area of an aquifer which is designated as an existing sole drinking water source as defined in the Safe Drinking Water Act, Section .1424(e) [42 U.S.C. 300h-3(e)] unless an adequate secondary containment system, as described in 40 CFR 264 as adopted by reference in this Rule, is constructed, and after consideration of applicable factors in Subparagraph (r)(3) of this Rule, the owner or operator can demonstrate no risk to public health;
 - (ii) within 200 feet of surface water impoundments or surface water stream with continuous flow as defined by the United States Geological Survey;
 - (iii) in an area that will allow direct surface or subsurface discharge to WS-I, WS-II or SA waters or a Class III Reservoir as defined in 15A NCAC 02B .0200 and 15A NCAC 18C .0102;
 - (iv) in an area that will allow direct surface or subsurface discharge to the watershed for a Class I or II Reservoir as defined in 15A NCAC 18C .0102;
 - (v) within 200 feet horizontally of a 100-year floodplain elevation;
 - (vi) within 200 feet of a seismically active area as defined in Paragraph (c) of this Rule; and
 - (vii) within 200 feet of a mine, cave, or cavernous bedrock.
- (3) The Department shall require any hazardous waste management facility to comply with greater separation distances or other protective measures when necessary to avoid risks posed by the proximity of the facility to water table levels, flood plains, water supplies, public water supply watersheds, mines, natural resources such as wetlands, endangered species habitats, parks, forests, wilderness areas, and historical sites, and population centers or to provide a buffer zone as required by this Rule. The Department shall also require protective measures when necessary to avoid unreasonable risks posed by the soil pH, soil cation exchange capacity, soil composition and permeability, climate, transportation factors such as proximity to waste generators, route, route safety, and method of transportation, aesthetic factors such as the visibility, appearance, and noise level of the facility, potential impact on air quality, and the existence of seismic activity and cavernous bedrock. In determining whether to require greater separation distances or other protective measures, the Department shall consider the following factors:
- (A) All proposed hazardous waste activities and procedures to be associated with the transfer, storage, treatment or disposal of hazardous waste at the facility;
 - (B) The type of hazardous waste to be treated, stored, or disposed of at the facility;
 - (C) The volume of waste to be treated, stored, or disposed of at the facility;
 - (D) Land use issues including the number of permanent residents in proximity to the facility and their distance from the facility;
 - (E) The adequacy of facility design and plans for containment and control of sudden and non-sudden accidental events in combination with adequate off-site evacuation of potentially adversely impacted populations;
 - (F) Other land use issues including the number of institutional and commercial structures such as airports and schools in proximity to the facility, their distance from the facility, and the particular nature of the activities that take place in those structures;
 - (G) The lateral distance and slope from the facility to surface water supplies or to watersheds draining directly into surface water supplies;
 - (H) The vertical distance, and type of soils and geologic conditions separating the facility from the water table;
 - (I) The direction and rate of flow of ground water from the sites and the extent and reliability of on-site and nearby data concerning seasonal and long-term groundwater level fluctuations;
 - (J) Potential air emissions including rate, direction of movement, dispersion and exposure, whether from planned or accidental, uncontrolled releases; and
 - (K) Any other relevant factors.
- (4) The following are additional location standards for landfills, long-term storage facilities and hazardous waste surface impoundments:
- (A) A hazardous waste landfill, long-term storage, or a surface impoundment facility shall not be located:
 - (i) In the recharge area of an aquifer which is an existing sole drinking water source;

- (ii) Within 200 feet of a surface water stream with continuous flow as defined by the United States Geological Survey;
 - (iii) In an area that will allow ~~direct~~ surface or subsurface discharge to WS-I, WS-II or SA waters or a Class III Reservoir as defined in 15A NCAC 02B .0200 and 15A NCAC 18C .0102;
 - (iv) In an area that will allow direct surface or subsurface discharge to a watershed for a Class I or II Reservoir as defined in 15A NCAC 18C .0102;
 - (v) Within 200 feet horizontally of a 100-year flood hazard elevation;
 - (vi) Within 200 feet of a seismically active area as defined in Paragraph (c) of this Rule; and
 - (vii) Within 200 feet of a mine, cave or cavernous bedrock.
- (B) A hazardous waste landfill or long-term storage facility shall be located in geologic formations with the following soil characteristics:
- (i) The depth of the unconsolidated soil materials shall be equal to or greater than 20 feet;
 - (ii) The percentage of fine-grained soil material shall be equal to or greater than 30 percent passing through a number 200 sieve;
 - (iii) Soil liquid limit shall be equal to or greater than 30;
 - (iv) Soil plasticity index shall be equal to or greater than 15;
 - (v) Soil compacted hydraulic conductivity shall be a maximum of 1.0×10^{-7} cm/sec;
 - (vi) Soil Cation Exchange Capacity shall be equal to or greater than 5 milliequivalents per 100 grams;
 - (vii) Soil Potential Volume Change Index shall be equal to or less than 4; and
 - (viii) Soils shall be underlain by a geologic formation having a rock quality designation equal to or greater than 75 percent.
- (C) A hazardous waste landfill or long-term storage facility shall be located in areas of low to moderate relief to the extent necessary to prevent landsliding or slippage and slumping. The site may be graded to comply with this standard.
- (5) All new hazardous waste impoundments that close with hazardous waste residues left in place shall comply with the standards for hazardous waste landfills in Subparagraph (r)(4) of this Rule unless the applicant can demonstrate that equivalent protection of public health and environment is afforded by some other standard.
- (6) The owners and operators of all new hazardous waste management facilities shall construct and maintain a minimum of two observation wells, one upgradient and one downgradient of the proposed facility; and shall establish background groundwater concentrations and monitor annually for all hazardous wastes that the owner or operator proposes to store, treat, or dispose at the facility.
- (7) The owners and operators of all new hazardous waste facilities shall demonstrate that the community has had an opportunity to participate in the siting process by complying with the following:
- (A) The owners and operators shall hold at least one public meeting in the county in which the facility is to be located to inform the community of all hazardous waste management activities including but not limited to: the hazardous properties of the waste to be managed; the type of management proposed for the wastes; the mass and volume of the wastes; and the source of the wastes; and to allow the community to identify specific health, safety and environmental concerns or problems expressed by the community related to the hazardous waste activities associated with the facility. The owners and operators shall provide a public notice of this meeting at least 30 days prior to the meeting. Public notice shall be documented in the facility permit application. The owners and operators shall submit as part of the permit application a complete written transcript of the meeting, all written material submitted that represents community concerns, and all other relevant written material distributed or used at the meeting. The written transcript and other written material submitted or used at the meeting shall be submitted to the local public library closest to and in the county of the proposed site with a request that the information be made available to the public.
 - (B) For the purposes of this Rule, public notice shall include: notification of the boards of county commissioners of the county where the proposed site is to be located and all contiguous

counties in North Carolina; a legal advertisement placed in a newspaper or newspapers serving those counties; and provision of a news release to at least one newspaper, one radio station, and one TV station serving these counties. Public notice shall include the time, place, and purpose of the meetings required by this Rule.

- (C) No less than 30 days after the first public meeting transcript is available at the local public library, the owners and operators shall hold at least one additional public meeting in order to attempt to resolve community concerns. The owners and operators shall provide public notice of this meeting at least 30 days prior to the meeting. Public notice shall be documented in the facility permit application. The owners and operators shall submit as part of the permit application a complete written transcript of the meeting, all written material submitted that represents community concerns, and all other relevant written material distributed or used at the meeting.
 - (D) The application, written transcripts of all public meetings and any additional material submitted or used at the meetings, and any additions or corrections to the application, including any responses to notices of deficiencies shall be submitted to the local library closest to and in the county of the proposed site, with a request that the information be made available to the public until the permit decision is made.
 - (E) The Department shall consider unresolved community concerns in the permit review process and impose final permit conditions based on sound scientific, health, safety, and environmental principles as authorized by applicable laws or rules.
- (s) 40 CFR 264.550 through 264.555 (Subpart S), "Special Provisions for Cleanup", are incorporated by reference including subsequent amendments and editions.
 - (t) 40 CFR 264.570 through 264.575 (Subpart W), "Drip Pads", are incorporated by reference including subsequent amendments and editions.
 - (u) 40 CFR 264.600 through 264.603 (Subpart X), "Miscellaneous Units", are incorporated by reference including subsequent amendments and editions.
 - (v) 40 CFR 264.1030 through 264.1049 (Subpart AA), "Air Emission Standards for Process Vents", are incorporated by reference including subsequent amendments and editions.
 - (w) 40 CFR 264.1050 through 264.1079 (Subpart BB), "Air Emission Standards for Equipment Leaks", are incorporated by reference including subsequent amendments and editions.
 - (x) 40 CFR 264.1080 through 264.1091 (Subpart CC), "Air Emission Standards for Tanks, Surface Impoundments, and Containers", are incorporated by reference including subsequent amendments and editions.
 - (y) 40 CFR 264.1100 through 264.1102 (Subpart DD), "Containment Buildings", are incorporated by reference including subsequent amendments and editions.
 - (z) 40 CFR 264.1200 through 264.1202 (Subpart EE), "Hazardous Waste Munitions and Explosives Storage", are incorporated by reference including subsequent amendments and editions.
 - (aa) Appendices to 40 CFR Part 264 are incorporated by reference including subsequent amendments and editions.

History Note: Authority G.S. 130A-294(c); 150B-21.6;
Eff. November 19, 1980;
Amended Eff. November 1, 1989; June 1, 1989; December 1, 1988; February 1, 1988;
Transferred and Recodified from 10 NCAC 10F .0032 Eff. April 4, 1990;
Amended Eff. August 1, 1990;
Recodified from 15A NCAC 13A .0010 Eff. August 30, 1990;
Amended Eff. July 1, 1995; October 1, 1993; April 1, 1993; October 1, 1992;
Recodified from 15A NCAC 13A .0009 Eff. December 20, 1996;
Amended Eff. August 1, 2004; April 1, 2001; April 1, 1999.

**15A NCAC 13A .0110 INTERIM STATUS STDS FOR OWNERS-OP OF HWTSD FACILITIES - PART
265**

- (a) 40 CFR 265.1 through 265.4 (Subpart A), "General", are incorporated by reference including subsequent amendments and editions.
- (b) 40 CFR 265.10 through 265.19 (Subpart B), "General Facility Standards", are incorporated by reference including subsequent amendments and editions.

- (c) 40 CFR 265.30 through 265.37 (Subpart C), "Preparedness and Prevention", are incorporated by reference including subsequent amendments and editions, except that 265.35 is not incorporated by reference.
The following shall be substituted for the provisions of 265.35.
Required aisle space: The owner or operator must maintain aisle space of at least two feet to allow the unobstructed movement of personnel, fire prevention equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency.
- (d) 40 CFR 265.50 through 265.56 (Subpart D), "Contingency Plan and Emergency Procedures", are incorporated by reference including subsequent amendments and editions.
- (e) 40 CFR 265.70 through 265.77 (Subpart E), "Manifest System, Recordkeeping, and Reporting", are incorporated by reference including subsequent amendments and editions.
- (f) 40 CFR 265.90 through 265.94 (Subpart F), "Ground-Water Monitoring", are incorporated by reference including subsequent amendments and editions.
- (g) 40 CFR 265.110 through 265.121 (Subpart G), "Closure and Post-Closure", are incorporated by reference including subsequent amendments and editions.
- (h) 40 CFR 265.140 through 265.151 (Subpart H), "Financial Requirements", are incorporated by reference including subsequent amendments and editions, except that 40 CFR 265.143(a)(3), (a)(4), (a)(5), (a)(6), and 40 CFR 265.145(a)(3), (a)(4), (a)(5), are not incorporated by reference.
- (1) The following shall be substituted for the provisions of 40 CFR 265.143(a)(3) which were not incorporated by reference: The owner or operator shall deposit the full amount of the closure cost estimate at the time the fund is established. By November 19, 1981, an owner or operator using a closure trust fund established prior to November 19, 1980 shall deposit an amount into the fund so that its value after this deposit at least equals the amount of the current closure cost estimate, or shall obtain other financial assurance as specified in this Section.
 - (2) The following shall be substituted for the provisions of 40 CFR 265.143(a)(6) which were not incorporated by reference: After the trust fund is established, whenever the current closure cost estimate changes, the owner or operator shall compare the new estimate with the trustee's most recent annual valuation of the trust fund. If the value of the fund is less than the amount of the new estimate, the owner or operator within 60 days after the change in the cost estimate, shall either deposit an amount into the fund so that its value after this deposit at least equals the amount of the current closure cost estimate, or obtain other financial assurance as specified in this Section to cover the difference; and
 - (3) The following shall be substituted for the provisions of 40 CFR 265.145(a)(3) which were not incorporated by reference:
 - (A) Except as otherwise provided in Part (h)(3)(B) of this Rule, the owner or operator shall deposit the full amount of the post-closure cost estimate at the time the fund is established.
 - (B) If the Department finds that the owner or operator of an inactive hazardous waste disposal unit cannot provide financial assurance for post-closure through any other option (e.g. surety bond, letter of credit, or corporate guarantee), a plan for annual payments to the trust fund during the interim status period shall be established by the Department by use of an Administrative Order.
- (i) 40 CFR 265.170 through 265.178 (Subpart I), "Use and Management of Containers", are incorporated by reference including subsequent amendments and editions. Additionally, the owner or operator shall keep records and results of required inspections for at least three years from the date of the inspection.
- (j) 40 CFR 265.190 through 265.202 (Subpart J), "Tank Systems", are incorporated by reference including subsequent amendments and editions.
- (k) 40 CFR 265.220 through 265.231 (Subpart K), "Surface Impoundments", are incorporated by reference including subsequent amendments and editions.
- (l) 40 CFR 265.250 through 265.260 (Subpart L), "Waste Piles", are incorporated by reference including subsequent amendments and editions.
- (m) 40 CFR 265.270 through 265.282 (Subpart M), "Land Treatment", are incorporated by reference including subsequent amendments and editions.
- (n) 40 CFR 265.300 through 265.316 (Subpart N), "Landfills", are incorporated by reference including subsequent amendments and editions.
- (o) 40 CFR 265.340 through 265.352 (Subpart O), "Incinerators", are incorporated by reference including subsequent amendments and editions.

- (p) 40 CFR 265.370 through 265.383 (Subpart P), "Thermal Treatment", are incorporated by reference including subsequent amendments and editions.
- (q) 40 CFR 265.400 through 265.406 (Subpart Q), "Chemical, Physical, and Biological Treatment", are incorporated by reference including subsequent amendments and editions.
- (r) 40 CFR 265.440 through 265.445 (Subpart W), "Drip Pads", are incorporated by reference including subsequent amendments and editions.
- (s) 40 CFR 265.1030 through 265.1049 (Subpart AA), "Air Emission Standards for Process Vents", are incorporated by reference including subsequent amendments and editions.
- (t) 40 CFR 265.1050 through 265.1079 (Subpart BB), "Air Emission Standards for Equipment Leaks", are incorporated by reference including subsequent amendments and editions.
- (u) 40 CFR 265.1080 through 265.1091 (Subpart CC), "Air Emission Standards for Tanks, Surface Impoundments, and Containers", are incorporated by reference including subsequent amendments and editions.
- (v) 40 CFR 265.1100 through 265.1102 (Subpart DD), "Containment Buildings", are incorporated by reference including subsequent amendments and editions.
- (w) 40 CFR 265.1200 through 265.1202 (Subpart EE), "Hazardous Waste Munitions and Explosives Storage", are incorporated by reference including subsequent amendments and editions.
- (x) Appendices to 40 CFR Part 265 are incorporated by reference including subsequent amendments and editions.

History Note: Authority G.S. 130A-294(c); 150B-21.6;
Eff. November 19, 1980;
Amended Eff. June 1, 1989; December 1, 1988; June 1, 1988; February 1, 1988;
Transferred and Recodified from 10 NCAC 10F .0033 Eff. April 4, 1990;
Recodified from 15A NCAC 13A .0011 Eff. August 30, 1990;
Amended Eff. July 1, 1995; April 1, 1993; October 1, 1992; February 1, 1992;
Recodified from 15A NCAC 13A .0010 Eff. December 20, 1996;
Amended Eff. November 1, 2005; August 1, 2000; April 1, 1999.

**15A NCAC 13A .0111 STDS FOR THE MGMT OF SPECIFIC HW/TYPES HWM FACILITIES - PART
266**

- (a) 40 CFR 266.20 through 266.23 (Subpart C), "Recyclable Materials Used in a Manner Constituting Disposal", are incorporated by reference including subsequent amendments and editions.
- (b) 40 CFR 266.70 (Subpart F), "Recyclable Materials Utilized for Precious Metal Recovery", is incorporated by reference including subsequent amendments and editions. Off-site recycling facilities that receive materials described in 40 CFR 266.70(a) must manage the materials in accordance with and comply with 40 CFR 262.34(a) as incorporated by reference in 15A NCAC 13A .0107(c), excluding 262.34(a)(3). Each container and tank holding recyclable materials at off-site precious metal recycling facilities must be labeled or marked with the words, "Recyclable Material".
- (c) 40 CFR 266.80 (Subpart G), "Spent Lead-Acid Batteries Being Reclaimed", is incorporated by reference including subsequent amendments and editions.
- (d) 40 CFR 266.100 through 266.112 (Subpart H), "Hazardous Waste Burned in Boilers and Industrial Furnaces", are incorporated by reference including subsequent amendments and editions.
- (e) 40 CFR 266.200 through 266.206 (Subpart M), "Military Munitions", are incorporated by reference including subsequent amendments and editions.
- (f) 40 CFR 266.210 through 266.360 (Subpart N), "Conditional Exemption for Low-Level Mixed Waste Storage, Treatment, Transportation and Disposal", are incorporated by reference including subsequent amendments and editions.
- (g) Appendices to 40 CFR Part 266 are incorporated by reference including subsequent amendments and editions.

History Note: Authority G.S. 130A-294(c); 150B-21.6;
Eff. July 1, 1985;
Amended Eff. June 1, 1990; June 1, 1988; February 1, 1988; December 1, 1987;
Transferred and Recodified from 10 NCAC 10F .0039 Eff. April 4, 1990;
Recodified from 15A NCAC 13A .0012 Eff. August 30, 1990;
Amended Eff. January 1, 1995; April 1, 1993; August 1, 1991; October 1, 1990;
Recodified from 15A NCAC 13A .0011 Eff. December 20, 1996;
Amended Eff. April 1, 2006; April 1, 2003; April 1, 1999; August 1, 1998.

15A NCAC 13A .0112 LAND DISPOSAL RESTRICTIONS - PART 268

- (a) 40 CFR 268.1 through 268.14 (Subpart A), "General", are incorporated by reference including subsequent amendments and editions.
- (b) 40 CFR 268.20 through 268.39 (Subpart C), "Prohibitions on Land Disposal", are incorporated by reference including subsequent amendments and editions, except that 40 CFR 268.21 through 268.29 are not incorporated by reference.
- (c) 40 CFR 268.40 through 268.49 (Subpart D), "Treatment Standards", are incorporated by reference including subsequent amendments and editions.
- (d) 40 CFR 268.50 (Subpart E), "Prohibitions on Storage", is incorporated by reference including subsequent amendments and editions.
- (e) Appendices to 40 CFR Part 268 are incorporated by reference including subsequent amendments and editions.

*History Note: Authority G.S. 130A-294(c); 150B-21.6;
Eff. August 1, 1987;
Amended Eff. June 1, 1990; June 1, 1989; June 1, 1988; February 1, 1988;
Transferred and Recodified from 10 NCAC 10F .0042 Eff. April 4, 1990;
Recodified from 15A NCAC 13A .0013 Eff. August 30, 1990;
Amended Eff. April 1, 1995; January 1, 1995; April 1, 1993; February 1, 1991;
Recodified from 15A NCAC 13A .0012 Eff. December 20, 1996;
Amended Eff. November 1, 2005; August 1, 2000; August 1, 1998.*

15A NCAC 13A .0113 THE HAZARDOUS WASTE PERMIT PROGRAM - PART 270

- (a) 40 CFR 270.1 through 270.6 (Subpart A), "General Information", are incorporated by reference including subsequent amendments and editions. For the purpose of this incorporation by reference, "January 26, 1983" shall be substituted for "July 26, 1982" contained in 40 CFR 270.1(c).
- (b) 40 CFR 270.10 through 270.29 (Subpart B), "Permit Application", are incorporated by reference including subsequent amendments and editions.

(c) The following are additional Part B information requirements for all hazardous waste facilities:

- (1) Description and documentation of the public meetings as required in 15A NCAC 13A .0109(r)(7);
- (2) A description of the hydrological and geological properties of the site including flood plains, depth to water table, ground water travel time, seasonal and long-term groundwater level fluctuations, proximity to public water supply watersheds, consolidated rock, soil pH, soil cation exchange capacity, soil characteristics and composition and permeability, existence of cavernous bedrock and seismic activity, slope, mines, climate, location and withdrawal rates of surface water users within the immediate drainage basin and well water users within a one mile radius of the facility; water quality information of both surface and groundwater within 1000 feet of the facility, and a description of the local air quality;
- (3) A description of the facility's proximity to and potential impact on wetlands, endangered species habitats, parks, forests, wilderness areas, historical sites, mines, and air quality;
- (4) A description of local land use including residential, industrial, commercial, recreational, agricultural and the proximity to schools and airports;
- (5) A description of the proximity of the facility to waste generators and population centers; a description of the method of waste transportation; the comments of the local community and state transportation authority on the proposed route, and route safety. Comments shall include proposed alternative routes and restrictions necessary to protect the public health;
- (6) A description of facility aesthetic factors including visibility, appearance, and noise level; and
- (7) A description of any other objective factors that the Department determines are reasonably related and relevant to the proper siting and operation of the facility.

(d) In addition to the specific Part B information requirements for hazardous waste disposal facilities, owners and operators of hazardous waste landfills or longterm storage facilities shall provide the following information:

- (1) Design drawings and specifications of the leachate collection and removal system;
- (2) Design drawings and specifications of the artificial impervious liner;
- (3) Design drawings and specifications of the clay or clay-like liner below the artificial liner, and a description of the permeability of the clay or clay-like liner; and
- (4) A description of how hazardous wastes will be treated prior to placement in the facility.

(e) In addition to the specific Part B information requirements for surface impoundments, owners and operators of surface impoundments shall provide the following information:

- (1) Design drawings and specifications of the leachate collection and removal system;
- (2) Design drawings and specifications of all artificial impervious liners;
- (3) Design drawings and specifications of all clay or clay-like liners and a description of the clay or clay-like liner; and
- (4) Design drawings and specifications that show that the facility has been constructed in a manner that will prevent landsliding, slippage, or slumping.

(f) 40 CFR 270.30 through 270.33 (Subpart C), "Permit Conditions", are incorporated by reference including subsequent amendments and editions.

(g) 40 CFR 270.40 through 270.43 (Subpart D), "Changes to Permit", are incorporated by reference including subsequent amendments and editions.

(h) 40 CFR 270.50 through 270.51 (Subpart E), "Expiration and Continuation of Permits", are incorporated by reference including subsequent amendments and editions.

(i) 40 CFR 270.60 through 270.68 (Subpart F), "Special Forms of Permits", are incorporated by reference including subsequent amendments and editions, except that 40 CFR 270.67 and 270.68 are not incorporated by reference.

(j) 40 CFR 270.70 through 270.73 (Subpart G), "Interim Status", are incorporated by reference including subsequent amendments and editions. For the purpose of this incorporation by reference, "January 1, 1986" shall be substituted for "November 8, 1985" contained in 40 CFR 270.73(c).

(k) 40 CFR 270.235, (Subpart I), "Integration with Maximum Achievable Control Technology (MACT) Standards", is incorporated by reference including subsequent amendments and editions.

(l) The following are additional permitting requirements for hazardous waste facilities.

(1) An applicant applying for a permit for a hazardous waste facility shall submit a disclosure statement to the Department as a part of the application for a permit or any time thereafter specified by the Department. The disclosure statement shall be supported by an affidavit attesting to the truth and completeness of the facts asserted in the statement and shall include:

(A) A brief description of the form of the business (e.g. partnership, sole proprietorship, corporation, association, or other);

(B) The name and address of any hazardous waste facility constructed or operated after October 21, 1976 by the applicant or any parent or subsidiary corporation if the applicant is a corporation; and

(C) A list identifying any legal action taken against any facility identified in Part (l)(1)(B) of this Rule involving:

(i) any administrative ruling or order issued by any state, federal or local authority relating to revocation of any environmental or waste management permit or license, or to a violation of any state or federal statute or local ordinance relating to waste management or environmental protection;

(ii) any judicial determination of liability or conviction under any state or federal law or local ordinance relating to waste management or environmental protection; and

(iii) any pending administrative or judicial proceeding of the type described in this Part.

(D) The identification of each action described in Part (l)(1)(C) of this Rule shall include the name and location of the facility that the action concerns, the agency or court that heard or is hearing the matter, the title, docket or case number, and the status of the proceeding.

(2) In addition to the information set forth in Subparagraph (l)(1) of this Rule, the Department shall require from any applicant such additional information as it deems necessary to satisfy the requirements of G.S. 130A-295. Such information may include:

(A) The names, addresses, and titles of all officers, directors, or partners of the applicant and of any parent or subsidiary corporation if the applicant is a corporation;

(B) The name and address of any company in the field of hazardous waste management in which the applicant business or any of its officers, directors, or partners, hold an equity interest and the name of the officer, director, or partner holding such interest; and

(C) A copy of any administrative ruling or order and of any judicial determination of liability or conviction described in Part (l)(1)(C) of this Rule, and a description of any pending administrative or judicial proceeding in that item.

- (3) If the Department finds that any part or parts of the disclosure statement is not necessary to satisfy the requirements of G.S. 130A-295, such information shall not be required.

(m) An applicant for a new, or modification to an existing, commercial facility permit, shall provide a description and justification of the need for the facility.

(n) Requirements for Off-site Recycling Facilities.

- (1) The permit requirements of 15A NCAC 13A .0109 apply to owners and operators of off-site recycling facilities unless excluded in Subparagraph (2) of Paragraph (n).
- (2) Requirements of 15A NCAC 13A .0113(n)(4), (5), (6), (7) and (8) do not apply to owners and operators of off-site recycling facilities that recycle only precious metals as described in 40 CFR 266.70(a), as incorporated by reference in 15A NCAC 13A .0111(b).
- (3) Off-site facilities that recycle precious metals shall follow the regulations as described in 15A NCAC 13A .0111(b).
- (4) Notwithstanding any other statement of applicability, the following provisions of 40 CFR Part 264, as incorporated by reference, shall apply to owners and operators of off-site recycling facilities except those excluded in 15A NCAC 13A .0113(n)(2):
 - (A) Subpart B - General Facility Standards;
 - (B) Subpart C - Preparedness and Prevention;
 - (C) Subpart D - Contingency Plan and Emergency Procedures;
 - (D) Subpart E - Manifest System, Recordkeeping and Reporting;
 - (E) Subpart G - Closure and Post-closure;
 - (F) Subpart H - Financial Requirements;
 - (G) Subpart I - Use and Management of Containers;
 - (H) Subpart J - Tank Systems;
 - (I) 264.101 - Corrective Action for Solid Waste Management Units;
 - (J) Subpart X - Miscellaneous Units; and
 - (K) Subpart DD - Containment Buildings.
- (5) The requirements listed in Subparagraph (n)(4) of this Rule apply to the entire off-site recycling facility, including all recycling units, staging and process areas, and permanent and temporary storage areas for wastes.
- (6) The following provisions of 15A NCAC 13A .0109 shall apply to owners and operators of off-site recycling facilities:
 - (A) The substitute financial requirements of Rule .0109(i)(1), (2) and (4); and
 - (B) The additional standards of Rule .0109(r)(1), (2), (3), (6) and (7).
- (7) The owner or operator of an off-site recycling facility shall keep a written operating record at his facility.
- (8) The following information must be recorded, as it becomes available, and maintained in the operating record until closure of the facility:
 - (A) A description and the quantity of each hazardous waste received, and the method(s) and date(s) of its treatment, storage, or recycling at the facility;
 - (B) The location of all hazardous waste within the facility and the quantity at each location. This information must include cross-references to specific manifest document numbers if the waste was accompanied by a manifest; and
 - (C) Documentation of the fate of all hazardous wastes received from off-site or generated on-site. This shall include records of the sale, reuse, off-site transfer, or disposal of all waste materials.

(o) Permit Fees for Commercial Hazardous Waste Facilities.

- (1) An applicant for a permit modification for a commercial hazardous waste facility shall pay an application fee as follows:
 - (A) Class 1 permit modification \$100;
 - (B) Class 2 permit modification \$1,000; or
 - (C) Class 3 permit modification \$5,000.

Note: Class 1 permit modifications which do not require prior approval of the Division Director are excluded from the fee requirement.

- (2) The application fee for a new permit, permit renewal, or permit modification must accompany the application, and is non-refundable. The application shall be considered incomplete until the fee is paid. Checks shall be made payable to: Division of Waste Management.

History Note: Authority G.S. 130A-294(c); 130A-294.1; 130A-295(a)(1), (2), (c); 150B-21.6;
 Eff. November 19, 1980;
 Amended Eff. November 1, 1989; June 1, 1988; February 1, 1988; December 1, 1987;
 Transferred and Recodified from 10 NCAC 10F .0034 April 4, 1990;
 Amended Eff. August 1, 1990;
 Recodified from 15A NCAC 13A .0014 Eff. August 30, 1990;
 Amended Eff. April 1, 1993; August 1, 1991; October 1, 1990;
 Recodified from 15A NCAC 13A .0013 Eff. December 20, 1996;
 Amended Eff. August 1, 2008; April 1, 2006; August 1, 2004; April 1, 2001; August 1, 2000.

15A NCAC 13A .0114 REQMENTS/AUTHORIZATION OF STATE HAZARDOUS WASTE PROG - PART 271

40 CFR 271.17, "Sharing of information", has been incorporated by reference including subsequent amendments and editions.

History Note: Authority G.S. 130A-294(c); 150B-21.6;
 Eff. January 1, 1986;
 Amended Eff. June 1, 1988; December 1, 1987; August 1, 1987; May 1, 1987;
 Transferred and Recodified from 10 NCAC 10F .0041 Eff. April 4, 1990;
 Recodified from 15A NCAC 13A .0015 Eff. August 30, 1990;
 Amended Eff. April 1, 1993; October 1, 1990;
 Recodified from 15A NCAC 13A .0014 Eff. December 20, 1996.

15A NCAC 13A .0115 ANNUAL REPORTS

History Note: Authority G.S. 130A-294(c);
 Eff. January 1, 1984;
 Transferred and Recodified from 10 NCAC 10F .0037 Eff. April 4, 1990;
 Recodified from 15A NCAC 13A .0004 Eff. August 30, 1990;
 Repealed Eff. May 1, 1991;
 Recodified from 15A NCAC 13A .0015 Eff. December 20, 1996.

15A NCAC 13A .0116 SPECIAL PURPOSE COMMERCIAL HAZARDOUS WASTE FACILITY

(a) The Department shall evaluate all commercial hazardous waste facilities to determine a score for each facility in accordance with Paragraph (c) of this Rule.

(b) A commercial hazardous waste facility (other than an incinerator or a land disposal facility) with a volume of waste of 20,000 tons or less per year of hazardous waste and having a total score pursuant to Paragraph (c) of this Rule of equal to or less than 40 is designated as a special purpose commercial hazardous waste facility. These facilities shall be classified as follows:

Total Score	Category
1-11	1
Greater than 11-18	2
Greater than 18-25	3
Greater than 25-32	4
Greater than 32-40	5

(c) A score for each facility shall be determined by adding the total score for Paragraphs (d) through (k) of this Rule and subtracting the score for Paragraph (l) of this Rule.

(d) A score shall be assigned for size of the facility by adding the applicable score for storage and the applicable score for treatment using Table 1.

Size of Facility	Constructed Capacity	Score
Storage: (gallons)	Less than 10,000	1
	10,000-100,000	2
	Greater than 100,000	3
Treatment: (gallons per day)	Less than 10,000	1
	10,000-100,000	2
	Greater than 100,000	3

(e) A score shall be assigned for type of treatment permitted by adding the score for each type of treatment being performed by the facility using Table 2.

Type of Treatment Being Performed	Score
Storage Only	1
Solvent Recovery	2
Metal Recovery	2
Energy Recovery	2
Fuel Blending	2
Aqueous Treatment	3
Stabilization	2
Incineration	5
Residuals Management	5
Other Treatment	2

(f) A score shall be assigned for the nature of hazardous waste being treated or stored by adding the score for each type of waste managed at the facility using Table 3. However, if the facility is permitted for storage only and no treatment is performed, the score for the nature of hazardous waste shall be reduced by one-half for each hazardous waste stream stored only.

Nature of Hazardous Waste (from Annual Report as listed in the Permit)	Score
Corrosive	1
Ignitable	2
Reactive	3
Toxicity Characteristic	2
Listed Toxic	2
Acute	3

(g) A score shall be assigned for volume of hazardous waste by using the applicable score in Table 4.

Volume of Waste (Tons from Annual Report)	Score
Less than 2,000	1
2,000-10,000	2
10,000-20,000	3

(h) A score shall be assigned for uniformity, similarity and lack of diversity of waste streams by using the applicable score in Table 5.

Uniformity, Similarity, Lack of Diversity of Waste Streams (Number of EPA Waste Codes) As Listed in the Permit	Score
Less than 5	1
5-75	2
Greater than 75	3

(i) A score shall be assigned for predictability and treatability of site specific waste streams by using the applicable score in Table 6.

TABLE 6

Predictability and Treatability of Waste Streams	Score
Simple Waste Streams and Treatment	1
Complex Waste Streams and Treatment (Incompatibles, highly toxic, or multicode waste streams).	2

(j) A score shall be assigned for compliance history for the past two years by using the highest applicable score in Table 7.

TABLE 7

Compliance History for Past Two Years	Score
Class II Violations	1
Class I Violations	2
Penalties	3
Injunctions	5

(k) A score shall be assigned for annual changes, which increase/decrease "sensitive land use" within a ¼ mile radius of the commercial hazardous waste facility's property boundary by using the applicable score in Table 8. Each score shall be added together.

TABLE 8

Changes in "sensitive land use"	Score
Increases	
Greater than 5 percent – less than 10 percent increase in the number of residential housing units as compared to the baseline.	1
Greater than or equal to 10 percent increase in the number of residential housing units as compared to the baseline, or 30 percent increase in the number of total sensitive land uses over a period of the previous four years.	2
Greater than 50 percent increase in the number of non-residential sensitive land uses as compared to the baseline.	1
Decreases	
Greater than 5 percent – less than 10 percent decrease in the number of residential housing units as compared to the baseline.	-1
Greater than or equal to 10 percent decrease in the number of residential housing units as compared to the baseline, or 30 percent decrease in the number of total sensitive land uses over a period of the previous four years.	-2
Greater than 50 percent decrease in the number of non-residential sensitive land uses as compared to the baseline.	-1

"Sensitive land use", as defined in G.S. 130A-295.01(f), includes residential housing, places of assembly, places of worship, schools, day care providers, and hospitals. Sensitive land use does not include retail businesses.

"Baseline", means:

- (1) for existing "Special Purpose Commercial Hazardous Waste Facilities" as the January 2008 data collected from the local government that has planning jurisdiction over the site on which the facility is located; and
- (2) for new "Special Purpose Commercial Hazardous Waste Facilities" as the data from the local government that has planning jurisdiction over the site on which the facility is located collected in the year in which the facility permit is first issued.

(l) A score shall be assigned for on-site reclamation by using the applicable score in Table 9.

TABLE 9

Reclamation (Credit Given)	Score
Pretreatment for Off-site Reclamation	1

On-site Reclamation

- (m) The information referred to in Paragraphs (c) through (l) of this Rule shall be determined based on the facility's permit, the previous year's annual report, and compliance history. If no annual report was submitted, quarterly projections of waste volume shall be submitted to the Department by the facility. Each facility may be re-evaluated at any time new information is received by the Department concerning the factors in Paragraphs (c) through (l) of this Rule.
- (n) The frequency of inspections at special purpose commercial hazardous waste facilities shall be determined by the facility's classification as follows:

Category	Minimum Inspections
1	2 per month
2	4 per month
3	6 per month
4	8 per month
5	10 per month

*History Note: Authority G.S. 130A-295.02(j);
 Temporary Adoption Eff. February 15, 1991 for a period of 180 days to expire on
 August 14, 1991;
 ARRC Objection Lodged February 25, 1991;
 ARRC Objection Removed March 21, 1991;
 Eff. August 1, 1991;
 Amended Eff. April 1, 1994;
 Recodified from 15A NCAC 13A .0016 Eff. December 20, 1996;
 Amended Eff. January 1, 2011.*

15A NCAC 13A .0117 FEE SCHEDULES

- (a) A commercial hazardous waste storage, treatment, or disposal facility other than a special purpose facility shall pay monthly, in addition to the fees applicable to all hazardous waste storage, treatment, or disposal facilities as required by G.S. 130A-294.1, a charge of forty-one dollars (\$41.00) per hour of operation. The fee shall be paid for any time when hazardous waste is managed or during periods of maintenance, repair, testing, or calibration. Each facility shall submit an operational schedule to the Department on a quarterly basis.
- (b) A special purpose commercial hazardous waste facility shall pay monthly, in addition to the fees applicable to all hazardous waste treatment, storage or disposal facilities as required by G.S. 130A-294.1, a charge per ton of hazardous waste received during the previous month and an additional charge based on the frequency of inspections as noted in the following schedules:

- (1) Effective April 1, 2011 to December 31, 2011, three dollars and fifty cents (\$3.50) per ton of hazardous waste received and:
- | Category | Fee |
|----------|------------|
| 1 | \$1,110.00 |
| 2 | \$2,220.00 |
| 3 | \$3,330.00 |
| 4 | \$4,440.00 |
| 5 | \$5,550.00 |
- (2) Effective January 1, 2012 to December 31, 2012, four dollars (\$4.00) per ton of hazardous waste received and:
- | Category | Fee |
|----------|------------|
| 1 | \$1,221.00 |
| 2 | \$2,442.00 |
| 3 | \$3,663.00 |
| 4 | \$4,884.00 |
| 5 | \$6,105.00 |
- (3) Effective January 1, 2013, four dollars and fifty cents (\$4.50) per ton of hazardous waste received and:
- | Category | Fee |
|----------|------------|
| 1 | \$1,332.00 |
| 2 | \$2,664.00 |

3	\$3,996.00
4	\$5,328.00
5	\$6,660.00

*History Note: Authority G.S. 130A-295.02(h);
Temporary Adoption Eff. February 15, 1991 for a period of 180 days to expire on August 14, 1991;
ARRC Objection Lodged February 25, 1991;
ARRC Objection Removed March 21, 1991;
Eff. August 1, 1991;
Recodified from 15A NCAC 13A .0017 Eff. December 20, 1996;
Amended Eff. April 1, 2011.*

15A NCAC 13A .0118 STANDARDS FOR THE MANAGEMENT OF USED OIL

- (a) 40 CFR 279.1 (Subpart A), "Definitions", is incorporated by reference including subsequent amendments and editions, except that the Definition for "Used Oil" is defined by G.S. 130A-290(b) and is not incorporated by reference.
- (b) 40 CFR 279.10 through 279.12 (Subpart B), "Applicability", are incorporated by reference including subsequent amendments and editions.
- (c) 40 CFR 279.20 through 279.24 (Subpart C), "Standards for Used Oil Generators", are incorporated by reference including subsequent amendments and editions.
- (d) 40 CFR 279.30 through 279.32 (Subpart D), "Standards for Used Oil Collection Centers and Aggregation Points", are incorporated by reference including subsequent amendments and editions.
- (e) 40 CFR 279.40 through 279.47 (Subpart E), "Standards for Used Oil Transporter and Transfer Facilities", are incorporated by reference including subsequent amendments and editions.
- (f) 40 CFR 279.50 through 279.59 (Subpart F), "Standards for Used Oil Processors and Re-Refiners", are incorporated by reference including subsequent amendments and editions.
- (g) 40 CFR 279.60 through 279.67 (Subpart G), "Standards for Used Oil Burners Who Burn Off-Specification Used Oil for Energy Recovery", are incorporated by reference including subsequent amendments and editions.
- (h) 40 CFR 279.70 through 279.75 (Subpart H), "Standards for Used Oil Fuel Marketers", are incorporated by reference including subsequent amendments and editions.
- (i) 40 CFR 279.80 through 279.81 (Subpart I), "Standards for Use as a Dust Suppressant and Disposal of Used Oil" are incorporated by reference including subsequent amendments and editions. {Note: 40.CFR.279.82, which addresses used oil as a dust suppressant, is specifically not incorporated by reference. See also G.S. 130A-309.15 for prohibited acts regarding used oil}.
- (j) Additional State Requirements:
 - (1) By July 1 of each year the following persons shall notify the Department by submitting an annual report listing the type and quantity of used oil transported, collected, and recycled during the preceding calendar year, on Department forms:
 - (A) Persons transporting more than 500 gallons of used oil per week over public highways;
 - (B) Collection facilities that annually receive more than 6,000 gallons of used oil excluding the volume of used oil collected from individuals that change their own personal motor oil;
 - (C) Facilities that annually recycle more than 10,000 gallons of used oil; and
 - (D) Public used oil collection centers.
 - (2) The following persons are not required to comply with 15A NCAC 13A .0118(j)(1)
 - (A) An electric utility that generates used oil which is reclaimed, recycled, or re-refined on-site for use in its operations; and
 - (B) An on-site burner that burns its own on-specification used oil provided that the facility is in compliance with any Air Quality permit requirements established by the Department.
 - (3) An annual fee of twenty five dollars (\$25.00) shall be paid by all persons identified in 15A NCAC 13A .0118(j)(1)(A) through .0118(j)(1)(C) by July 1 of each year.

*History Note: Authority G.S. 130A-294(b),(c); 150B-21.6;
Eff. October 1, 1993;
Recodified from 15A NCAC 13A .0018 Eff. December 20, 1996;
Amended Eff. August 1, 2000.*

15A NCAC 13A .0119 STANDARDS FOR UNIVERSAL WASTE MANAGEMENT - PART 273

- (a) 40 CFR 273.1 through 273.9 (Subpart A), "General" are incorporated by reference including subsequent amendments and editions.
- (b) 40 CFR 273.10 through 273.20 (Subpart B), "Standards for Small Quantity Handlers of Universal Waste" are incorporated by reference including subsequent amendments and editions.
- (c) 40 CFR 273.30 through 273.40 (Subpart C), "Standards for Large Quantity Handlers of Universal Waste" are incorporated by reference including subsequent amendments and editions.
- (d) 40 CFR 273.50 through 273.56 (Subpart D), "Standards for Universal Waste Transporters" are incorporated by reference including subsequent amendments and editions.
- (e) 40 CFR 273.60 through 273.62 (Subpart E), "Standards for Destination Facilities" are incorporated by reference including subsequent amendments and editions.
- (f) 40 CFR 273.70 (Subpart F), "Import Requirements" is incorporated by reference including subsequent amendments and editions.
- (g) 40 CFR 273.80 through 273.81 (Subpart G), "Petitions to include Other Wastes Under 40 CFR Part 273" are incorporated by reference including subsequent amendments and editions, except that 40 CFR 273.80(a) and (b), are not incorporated by reference.

- (1) The following shall be substituted for the provisions of 40 CFR 273.80(a) which were not incorporated by reference:
Any person seeking to add a hazardous waste or a category of hazardous waste to this Part may petition for a regulatory amendment under this Subpart and 15A NCAC 24B .0001 and 40 CFR 260.23.
- (2) The following shall be substituted for the provisions of 40 CFR 273.80(b) which were not incorporated by reference:
To be successful, the petitioner must demonstrate to the satisfaction of the Administrator that regulation under the universal waste regulations of 40 CFR Part 273 is:
 - (A) appropriate for the waste or category of waste; will improve management practices for the waste or category of waste; and will improve implementation of the hazardous waste program;
 - (B) the petition must include the information required by 15A NCAC 24B .0001; and
 - (C) the petition shall also address as many of the factors listed in 40 CFR 273.81 as are appropriate for the waste or waste category addressed in the petition.

*History Note: Authority G.S. 130A-294(c); 150B-21.6;
Eff. January 1, 1996;
Recodified from 15A NCAC 13A .0019 Eff. December 20, 1996;
Amended Eff. April 1, 2001; August 1, 1998.*