

## 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 definition in 260.10 for "Contained" is not incorporated by reference.
- (c) The following definition shall be substituted for "Contained:" "Contained" means held in a unit (including a land-based unit as defined in this subpart) that meets the following criteria:
- (1) the unit is in good condition, with no leaks or other continuing or intermittent unpermitted releases of the hazardous secondary materials or hazardous constituents originating from the hazardous secondary materials to the environment, and is designed, as appropriate for the hazardous secondary materials, to prevent releases of hazardous secondary materials to the environment. "Unpermitted releases" means releases that are not covered by a permit (such as a permit to discharge to water or air) and may include, but are not limited to, releases through surface transport by precipitation runoff, releases to soil and groundwater, windblown dust, fugitive air emissions, and catastrophic unit failures;
  - (2) the unit is properly labeled or otherwise has a system (such as a log) to immediately identify the hazardous secondary materials in the unit; and
  - (3) the unit holds hazardous secondary materials that are compatible with other hazardous secondary materials placed in the unit and is compatible with the materials used to construct the unit and addresses any potential risks of fires or explosions.
  - (4) Hazardous secondary materials in units that meet the applicable requirements of 40 CFR parts 264 or 265 are presumptively contained.
- (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 Environmental Quality.
  - (2) The "Department" means the Department of Environmental Quality (DEQ).
  - (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 to recycle their own waste.

*History Note:* Authority G.S. 130A 294(c);  
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