

Regulatory Impact Analysis

**Amendments to 15A NCAC 13A .0101(d) –
Addition of Federal Electronic Hazardous Waste Manifest System (e-Manifest)
User Rule Provisions**

**NCDEQ
Division of Waste Management
Hazardous Waste Section**

Table of Contents

	<u>Page</u>
General Information.....	3
Rule Summary	4
Purpose/Necessity.....	5
Fiscal Impact Summary.....	6
Certificate of Federal Requirement	6
Fiscal Impact Analysis	6
Summary of Affected Parties.....	6
Summary of Proposed Amendments	7
General Facts/Assumptions Made for Cost/Benefit Analysis.....	8
Summary of Costs.....	8
Summary of Benefits.....	9
 Appendices	
Appendix A: Uniform Hazardous Waste Manifest.....	10
Appendix B: Summary of State Only Wastes for Each State/Territory.....	12
Appendix C: Proposed Rule Text	22

General Information

Commission:	Environmental Management Commission
Agency:	Department of Environmental Quality (DEQ), Division of Waste Management (DWM), Hazardous Waste Section
Title:	General
Citation:	15A NCAC 13A .0101(d)
Description of the Proposed Rules:	The Hazardous Waste Management Rules - 15A NCAC 13A .0101(d) is proposed for amendment to include the provisions of the federal Electronic Hazardous Waste Manifest System (e-Manifest) User Rule.
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Rulemaking Authority:	N.C.G.S. 130A-294
Statement of Necessity:	The Division of Waste Management is proposing the amendments due to a change in a federal regulation: 83 Federal Register (FR) 420 (January 3, 2018) "Electronic Hazardous Waste Manifest System (e-Manifest) User Rule."
Fiscal Impact Summary:	State Government: No Local Government: No Federal Government: No Private Entities: No Substantial Impact: No

Rule Summary

It is the responsibility of the Division of Waste Management, Hazardous Waste Section to regulate how hazardous waste is managed within the state under the statutory authority of N.C.G.S. Chapter 130A-294. State rules governing hazardous waste management are found in Title 15A, Subchapter 13A of the North Carolina Administrative Code (NCAC).

The Hazardous Waste Management Rules, 15A NCAC 13A .0101(d), is proposed for amendment due to a change in a federal regulation.

On January 3, 2018, the United States Environmental Protection Agency (EPA) promulgated a final rule concerning the national electronic hazardous waste manifest system, in 83 Federal Register (FR) 420 (January 3, 2018) ("Electronic Hazardous Waste Manifest System (e-Manifest) Rule"). This rule became effective nationwide on June 30, 2018. This rule was implemented in all states on the same effective date. EPA implements delegable electronic manifest regulations until authorized states adopt the program revisions equivalent to and consistent with delegable federal requirements, unless and until the states are fully authorized to implement them in lieu of EPA.

The e-Manifest User Rule established the methodology that EPA uses to determine and revise the user fees applicable to the electronic and paper manifests to be submitted to the e-Manifest system. Receiving facilities (receiving hazardous waste on a manifest) are required to submit the manifest to the e-Manifest system and pay a prescribed fee for each electronic and paper manifest submitted. EPA retains the administration and enforcement of the requirement to submit manifests to e-Manifest system and the fee provisions (considered non-delegable requirements) even after states are authorized for this rule. However, provisions of this federal regulation (specifically 40 CFR 260.4 and 260.5) are required to be adopted to maintain state authorization.

EPA was directed to develop the e-Manifest system under the 2012 Hazardous Waste Electronic Manifest Establishment Act. The e-Manifest system serves as a national repository for all hazardous waste manifests. In 2014, the Modification of the Hazardous Waste Manifest System; Electronic Manifests Rule established the legal and policy framework for the use of electronic manifests.

A "manifest" is a shipping document developed to track shipments of hazardous waste (See Appendix A for a copy of a hazardous waste manifest – included to provide a visual reference). When hazardous waste is moved from one facility to another (i.e., shipped), a hazardous waste manifest that identifies the generator, transporter, and receiving facilities involved, must accompany the waste shipment. A manifest also requires information on the types and quantities of hazardous waste being transported and includes a space for handlers to note any discrepancies that may arise in the course of transporting the waste. Each individual shipment of hazardous waste requires its own separate manifest, and every facility or entity that handles (whether generating, receiving, or transferring) that shipment must sign and retain a copy of said manifest. An individual shipment can range in size from a very small quantity (a single container) to a full truck load or even larger; special manifest rules apply to larger vessels such as trains and ships which transport hazardous waste.

EPA published regulations for a paper manifest system on February 26, 1980 (45 Federal Register 12724). In 1984, EPA and the Department of Transportation promulgated a Uniform Hazardous Waste Manifest form and procedures (49 FR 10490, March 20, 1984) to create uniform requirements across states and reduce confusion and compliance challenges. In 2005, EPA further revised the Uniform Hazardous Waste Manifest regulations to standardize the content and appearance of the paper manifest form (70 FR 10776, March 4, 2005).

After the initial federal manifest regulations were developed in 1980, some states developed their own state-specific hazardous waste codes (See Appendix B for a summary of State-Only Regulated Wastes) and manifest forms to meet the minimal federal requirements but also require additional management requirements and additional state-specific information.

Since the state rule amendment is addressing the incorporation by reference of only two federal provisions (40 CFR 260.4 and 260.5), it is the state specific (or state-only regulated) waste that is the focus of the proposed rule amendment and this Regulatory Impact Analysis. North Carolina does not have any state-only regulated waste, but there are receiving facilities in North Carolina that receive state-only regulated waste from outside of North Carolina that are affected by the proposed amendment to 15A NCAC 13A .0101(d).

Purpose/Necessity

The purpose of this document is to conduct an evaluation of the costs and benefits associated with amendment of 15A NCAC 13A .0101(d). The amendments made to 15A NCAC 13A .0101(d) are necessary to maintain federally delegated program authority due to recent changes to applicable federal regulations.

The EPA has authorized North Carolina to operate the State Hazardous Waste Program in lieu of the federal program under the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. §§ 6901 to 6992k. Because the State Hazardous Waste Program is federally delegated, EPA continues to exercise oversight—including the ability to revoke program authorization—to ensure consistency with RCRA. Specifically, the State Hazardous Waste Program must remain equivalent to, consistent with, and no less stringent than the Federal program. When new, more stringent federal requirements are promulgated, North Carolina is obligated to enact equivalent authorities within one year of the adoption of each new, more stringent rule (two years if legislation must be enacted).

The EPA is requiring states to adopt the delegable provisions of the federal "Electronic Hazardous Waste Manifest System (e-Manifest) Rule" that was promulgated on January 3, 2018 (83 Federal Register (FR) 420). The proposed changes to 15A NCAC 13A .0101(d) will make the State Hazardous Waste Program equivalent to, consistent with, and no less stringent than the federal RCRA program, by incorporating federal changes.

Fiscal Impact Summary

The proposed amendments to the Hazardous Waste Management Rules will result in no economic impact to the private sector or federal, state, and local government.

Certificate of Federal Requirement

In accordance with requirements outlined in N.C.G.S. 150B-19.1(g), the Division of Waste Management is proposing changes to the Hazardous Waste Management Rules - 15A NCAC 13A .0101(d). These changes will make the State Hazardous Waste Program equivalent to, consistent with, and no less stringent than the federal RCRA program, by incorporating federal changes to 40 CFR 260. The United States Environmental Protection Agency ("EPA") has authorized North Carolina to operate the State Hazardous Waste Program in lieu of the federal program under the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. §§ 6901 to 6992k. Because the State Hazardous Waste Program is federally delegated, EPA continues to exercise oversight—including the ability to revoke program authorization—to ensure consistency with RCRA. Specifically, the State Hazardous Waste Program must remain equivalent to, consistent with, and no less stringent than the Federal program. RCRA § 3006(b), 42 U.S.C. § 6926(b); 40 C.F.R. § 271.4. The Act instructs the Department to "cooperate . . . with . . . the federal government . . . in the formulation and carrying out of a solid waste management program," including a program for the management of hazardous waste "designed to protect the public health, safety, and welfare; [and to] preserve the environment." N.C.G.S. 130A-294(a)(2) and (b). The Act mandates the adoption of rules to implement that program. N.C.G.S. 130A-294(b).

Fiscal Impact Analysis

A review of the proposed amendments to the Hazardous Waste Management Rules - 15A NCAC 13A .0101 was conducted to determine whether a cost and/or benefit was created by the amendment. A summary of the proposed amendments is in the Fiscal Impact Analysis – Summary of Proposed Amendments section on page 7.

Summary of Affected Parties

Starting on June 30, 2018, Receiving Facilities (receiving hazardous waste on a manifest) are required to submit hazardous waste manifests to EPA's e-Manifest system and pay a prescribed fee to EPA for each electronic and paper manifest. In North Carolina, there are ten Receiving Facilities -- nine commercial hazardous waste treatment, storage, disposal facilities and one precious metal reclaiming facility that are affected by the amendment to 15A NCAC 13A .0101(d) (by incorporating by reference the federal regulations 40 CFR 260.4 and 260.5). All of the subject Receiving Facilities affected by this amendment are private sector entities.

Summary of Proposed Amendments

15A NCAC 13A .0101 General

This state rule describes general information including the state substitutions made for some of the federal wording and how to obtain documentation of the rules incorporated by reference or maintained by the Hazardous Waste Section.

15A NCAC 13A .0101(d) is proposed for amendment to increase the Code of Federal Regulation ranges in order to incorporate by reference two provisions of the federal e-Manifest User Rule. The original Code of Federal Regulation range was 40 CFR 260.1 to 260.3. The proposed amendment expands the Code of Federal Regulations range to 40 CFR 260.1 to 260.5. As such the following parts of the federal rule are proposed for incorporation by reference in the state rule: 40 CFR 260.4 and 260.5 (described below).

40 CFR 260.4 Manifest copy submission requirements for certain interstate waste shipments.

- (a) In any case in which the state in which waste is generated, or the state in which waste will be transported to a designated facility, requires that the waste be regulated as a hazardous waste or otherwise be tracked through a hazardous waste manifest, the designated facility that receives the waste shall, regardless of the state in which the facility is located:
 - (1) Complete the facility portion of the applicable manifest;
 - (2) Sign and date the facility certification;
 - (3) Submit to the e-Manifest system a final copy of the manifest for data processing purposes; and
 - (4) Pay the appropriate per manifest fee to EPA for each manifest submitted to the e-Manifest system, subject to the fee determination methodology, payment methods, dispute procedures, sanctions, and other fee requirements specified in subpart FF of part 264 of this chapter.

The above federal regulation (40 CFR 260.4) requires that when the state in which waste is generated, or the state in which waste will be transported to a designated facility, requires that the waste be regulated as a hazardous waste or otherwise be tracked through a hazardous waste manifest, the receiving facility must complete and submit the manifest to EPA and pay the associated fee.

40 CFR 260.5 Applicability of electronic manifest system and user fee requirements to facilities receiving state-only regulated waste shipments.

- (a) For purposes of this section, "state-only regulated waste" means:
 - (1) A non-RCRA waste that a state regulates more broadly under its state regulatory program, or
 - (2) A RCRA hazardous waste that is federally exempt from manifest requirements, but not exempt from manifest requirements under state law.
- (b) In any case in which a state requires a RCRA manifest to be used under state law to track the shipment and transportation of a state-only regulated waste to a receiving facility, the facility receiving such a waste shipment for management shall:
 - (1) Comply with the provisions of §§264.71 (use of the manifest) and 264.72 (manifest discrepancies) of this chapter; and
 - (2) Pay the appropriate per manifest fee to EPA for each manifest submitted to the e-Manifest system, subject to the fee determination methodology, payment methods, dispute procedures, sanctions, and other fee requirements specified in subpart FF of part 264 of this chapter.

The above federal regulation (40 CFR 260.5) requires that in any case in which a state requires a RCRA manifest to be used under state law to track the shipment and transportation of a state-only regulated waste to a receiving facility, the receiving facility must complete and submit the manifest to EPA and pay the associated fee.

General Facts Made for Cost/Benefit Analysis

General Facts:

Referenced in this document are EPA's 2017 documents: "Regulatory Impact Analysis, EPA's 2017 Final Rule, Establishing User Fees for the RCRA Electronic Hazardous Waste Manifest System (e-Manifest)"¹ (which will be referred to as EPA's Regulatory Impact Analysis) and "Appendices for Regulatory Impact Analysis for EPA's 2018 Final Rule Establishing User Fees for the RCRA Electronic Hazardous Waste Manifest System (e-Manifest)"² (which will be referred to as EPA's Regulatory Impact Analysis Appendices). When referenced within this document, the EPA's Regulatory Impact Analysis or Regulatory Impact Analysis Appendices page number are footnoted.

Summary of Costs

Regardless of whether North Carolina amends 15A NCAC 13A .0101(d) to incorporate federal provisions (specifically 40 CFR 260.4 and 260.5), Receiving Facilities must complete a manifest for state-only regulated waste that is received, submit the manifests to EPA's e-Manifest system, and pay EPA the associated fee per manifest. Amendment of the state rule will not have an additional associated cost to the affected party that is not already incurred.

Even if the requirements of this federal regulation were not already in place (i.e., not administered by EPA until states adopt the federal provisions), there would still be no costs to the Receiving Facilities associated with the amendment to 15A NCAC 13A .0101(d). Review of the North Carolina Receiving Facilities manifests (for the period of June 30, 2018 through June 30, 2019) containing state-only regulated wastes indicates that hazardous waste was also shipped on the same manifest. In other words, there are no manifests that only contained state-only regulated waste. The requirement to complete a manifest for hazardous waste, submit the manifest to EPA's e-Manifest system and pay the associated to EPA for already exists in state rules (incorporated by reference at 15A NCAC 13A .0109(f) and .0110(e)).

Since North Carolina does not have any state-only regulated wastes, the Division of Waste Management, Hazardous Waste Section there are no costs associated with the proposed amendment to 15A NCAC 13A .0101(d).

Overall, there are no costs associated with the amendment to 15A NCAC 13A .0101(d) to incorporate by reference the federal provisions (40 CFR 260.4 and 260.5) of the e-Manifest User Rule.

¹ EPA's Regulatory Impact Analysis can be found at this website link <https://www.regulations.gov/document?D=EPA-HQ-OLEM-2016-0177-0090>

² EPA's Regulatory Impact Analysis Appendices can be found at this website link: <https://www.regulations.gov/document?D=EPA-HQ-OLEM-2016-0177-0090>

Summary of Benefits

There are no monetized benefits associated with the amendment to 15A NCAC 13A .0101(d) to incorporate by reference the federal provisions (40 CFR 260.4 and 260.5) of the e-Manifest User Rule. There are the following non-monetized benefits.

Access to Information about State-Only Regulated Waste Entering North Carolina

A benefit of the federal provision to ensure state-only regulated waste is manifested and the manifest is submitted to the e-Manifest system is that any manifests that contain solely state-only regulated waste will be accessible to the Hazardous Waste Section (when the manifest is completed) and to the general public (90 days after the manifest is completed).

Maintaining State Authorization

A benefit of adopting the delegable provisions of the e-Manifest User Rule is that the State Authorization will be maintained, and North Carolina will continue to operate the Hazardous Waste Management Program in lieu of EPA.

If the delegable provisions of the federal e-Manifest User Rule, are not adopted, the North Carolina Hazardous Waste Program would be put in jeopardy and in effect, this would create economic impact to private entities and federal, state, and local government. By not adopting the delegable provisions of the e-Manifest User Rule, grant funding received from EPA to implement the Authorized State Program could be reduced until the state meets the authorization requirements or EPA could revoke the North Carolina Hazardous Waste Management Program State Authorization and implement the program on the federal level from EPA, Region 4 in Atlanta, Georgia. If EPA revoked the State Authorization in North Carolina, the requirements of this subject federal regulation are already in effect on the federal level and EPA would continue to have oversight (which does not impact the regulated community), however, there would be many other negative impacts to the North Carolina regulated entities, the regulators, and the general public.

Established relationships, rapport and lines of communication between the regulated entities and regulators as well as other local regulatory agencies would be lost. Also, lost would be the ability and opportunities to engage with stakeholders and work through issues on a local level. Local issues are often interpreted differently or have less priority once they are removed from the local level. The Hazardous Waste Section currently has the ability to directly address local issues and make fast and informed decisions that are not "boiler plate" for the often, unique problems, that arise. The Hazardous Waste Section has knowledge of historical issues and the issues important to citizens and stakeholder groups. Currently, the Hazardous Waste Section has the opportunity to provide compliance assistance quickly and because of the Section's historical and regional knowledge of the site or information specific to the local area (e.g. county or city stormwater, wastewater or other state agencies) the relationship between the regulator and the regulated entities is often beneficial. Having the regulators located close to the regulated community reduces response time in an emergency or time critical situation like a complaint investigation. Having a physical presence improves the level of compliance.

Appendix A
Uniform Hazardous Waste Manifest

Please print or type.

Form Approved. OMB No. 2050-0039

UNIFORM HAZARDOUS WASTE MANIFEST		1. Generator ID Number		2. Page 1 of		3. Emergency Response Phone		4. Manifest Tracking Number			
Generator's Name and Mailing Address		Generator's Site Address (if different than mailing address)									
Generator's Phone:		6. Transporter 1 Company Name								U.S. EPA ID Number	
7. Transporter 2 Company Name		U.S. EPA ID Number									
8. Designated Facility Name and Site Address		U.S. EPA ID Number									
Facility's Phone:											
GENERATOR	9a. HM	9b. U.S. DOT Description (including Proper Shipping Name, Hazard Class, ID Number, and Packing Group (if any))				10. Containers		11. Total Quantity	12. Unit WL/Vol.	13. Waste Codes	
			No.	Type							
	1.										
	2.										
	3.										
	4.										
14. Special Handling Instructions and Additional Information											
15. GENERATOR'S/OFFEROR'S CERTIFICATION: I hereby declare that the contents of this consignment are fully and accurately described above by the proper shipping name, and are classified, packaged, marked and labeled/placarded, and are in all respects in proper condition for transport according to applicable international and national governmental regulations. If export shipment and I am the Primary Exporter, I certify that the contents of this consignment conform to the terms of the attached EPA Acknowledgment of Consent. I certify that the waste minimization statement identified in 40 CFR 262.27(a) (if I am a large quantity generator) or (b) (if I am a small quantity generator) is true.											
Generator's/Offeror's Printed/Typed Name _____ Signature _____ Month _____ Day _____ Year _____											
TRANSPORTER INT'L	16. International Shipments <input type="checkbox"/> Import to U.S. <input type="checkbox"/> Export from U.S. Port of entry/exit: _____ Date leaving U.S.: _____										
	17. Transporter Acknowledgment of Receipt of Materials Transporter 1 Printed/Typed Name _____ Signature _____ Month _____ Day _____ Year _____ Transporter 2 Printed/Typed Name _____ Signature _____ Month _____ Day _____ Year _____										
	18. Discrepancy 18a. Discrepancy Indication Space <input type="checkbox"/> Quantity <input type="checkbox"/> Type <input type="checkbox"/> Residue <input type="checkbox"/> Partial Rejection <input type="checkbox"/> Full Rejection Manifest Reference Number: _____										
	18b. Alternate Facility (or Generator) _____ U.S. EPA ID Number _____ Facility's Phone: _____ 18c. Signature of Alternate Facility (or Generator) _____ Month _____ Day _____ Year _____										
DESIGNATED FACILITY	19. Hazardous Waste Report Management Method Codes (i.e., codes for hazardous waste treatment, disposal, and recycling systems) 1. _____ 2. _____ 3. _____ 4. _____										
	20. Designated Facility Owner or Operator: Certification of receipt of hazardous materials covered by the manifest except as noted in Item 18a Printed/Typed Name _____ Signature _____ Month _____ Day _____ Year _____										

Appendix B

Summary of State-Only Regulated Wastes for Each State/Territory

This Appendix summarizes the available data about the state-only regulated wastes that differs from the federal RCRA hazardous waste program with regard to which wastes are additionally considered hazardous. This information in this Appendix was compiled using EPA's RCRAInfo database, e-Manifest Industry Application and the EPA's Regulatory Impact Analysis Appendices³.

"State-Only Regulated Wastes" means:

- A non-RCRA waste that a state regulates more broadly under its state regulatory program, or
- A RCRA hazardous waste that is federally exempt from manifest requirements, but not exempt from manifest requirements under state law.

The following states/territories do not have any State-Only Regulated Wastes:

Alabama	New Mexico
Alaska	North Carolina
American Samoa	North Dakota
Arizona	Northern Mariana Islands
Delaware	Ohio
District of Columbia	Oklahoma
Florida	Puerto Rico
Georgia	South Dakota
Guam	Tennessee
Hawaii	Virgin Islands
Idaho	West Virginia
Iowa	Wisconsin
Montana	Wyoming
Nebraska	

The following states have State Only Wastes. In most cases, the state waste code appears on the left followed by the description of the waste.

Arkansas

Arkansas does not have any state-only waste codes but does require very small quantity generators to manifest hazardous waste (the federal requirements do not require VSQGs to manifest hazardous waste).

California

Used oil is considered a hazardous waste. Additionally, there are multiple additional eligible waste streams for the consolidated manifest, including:

- used oil;
- the contents of an oil/water separator under certain conditions;
- solids contaminated with used oil;

³ EPA's Regulatory Impact Analysis Appendices, B-1 through B-5

California (continued)

- brake fluid;
- antifreeze or antifreeze sludge;
- parts cleaning solvent, including aqueous cleaning solvents;
- hydroxide sludge contaminated solely with metals from a wastewater treatment process' paint-related wastes, including paints, thinners, filters, and sludges;
- spent photographic solutions;
- dry-cleaning solvents;
- filters, lint, and sludges contaminated with dry-cleaning solvent;
- asbestos and asbestos-containing materials;
- inks from the printing industry;
- chemicals and laboratory packs collected from K-12 schools;
- absorbents contaminated with other eligible wastes;
- filters from dispensing pumps for diesel and gasoline fuels; and
- disabled vehicle wastes.

Colorado

Colorado does not require use of state-specific waste codes on manifests. However, there are state-specific codes within the state relating to chemical weapons and associated treatment residues and contaminated materials that came in contact with chemical weapons.

- K901 - Military Munitions: Waste Chemical weapons using or contain any chemical compound identified in Appendix VIII of Part 261 as the basis for the listing. Residues resulting from treatment of HW Codes P909, P910, P9111
- K902 - Military Munitions: Any soil, water debris, or containers contaminated through contact with waste chemical weapons listed as K901 or hazardous waste listed as P909, P910, or P911
- K903 - Military Munitions - hydrolysate
- P909 - Mustard, Mustard Agent, Mustard Gas, H, HD
- P910 - Mustard, Mustard Agent, Mustard Gas, HT, Mustard T
- P911 - GB, Sarin

Connecticut

- CR01- Waste PCBs
- CR02 - Waste oil
- CR03 - Waste water soluble oil
- CR04 - Waste chemical liquids
- CR05 - Waste chemical solid

Illinois

Illinois requires non-hazardous special waste to be manifested on the Uniform Hazardous Waste Manifest. Illinois generators and out-of-state generators sending nonhazardous waste to an Illinois receiving facility must use a manifest for all shipments of nonhazardous special waste. All nonhazardous special waste should be identified as either Class A or Class B. Copies of these manifests are not to be submitted to the State of Illinois; instead Illinois receiving facilities and Illinois generators who send their waste out-of-state are required to submit summary information in the form of the Nonhazardous Special Waste Annual Report.

- H142 - Waste stored at year end for 90 days - on site GM
- H143 - Waste stored at year end generated prior to this year - On site GM
- IL01 - Leaking Underground Storage Tank (LUST) contaminated soil, sand, and clay
- IL02 - Other contaminated soil, sand or clay
- IL03 - Other contaminated materials
- IL04 - PCB1 Solids (Capacitors, Transformer carcasses)
- IF05 - PCB2 Liquids (Transformer and capacitor oils, etc.)
- IL06 Lab Packs
- IL07 Leachate

Illinois (continued)

- IL08 - Ashes, Incinerator or Boiler
- IL09 Municipal waste water treatment sludges
- IL10 - Industrial waste water treatment sludges
- IL11 - Food processing waste & off-spec food products
- IL12 - Antifreeze
- IL13 - Waste/Used Oil
- IL14 - Other Organic Liquids
- IL15 - Other Organic Solids or Sludges
- IL16 - Liquids with other metals
- IL17 0 Solids or sludges with other metals
- IL18 - Other inorganic liquids
- IL19 - Other inorganic solids or sludges
- IL20 - Containerized Gas
- IL21 - Household hazardous waste from collections

Indiana

Chemical munitions are an additional hazardous waste.

Louisiana

Used oil is considered a hazardous waste.

Kansas

- EBOLA - Waste contaminated with Ebola virus

Kentucky

- KYN1 - GB Chemical Agent. Equivalent to N001.
- KYN101 - Uncontaminated M67 Rocket Motor Assembly, propellant component of rocket motor, shipping firing tubes, and end-caps associated with GB munitions.
- KYM102 - Uncontaminated M67 Rocket Motor Assembly, propellant component of rocket motor, shipping firing tubes, and end-caps associated with VX munitions.
- KYN2 - VX Chemical Agent. Equivalent to N002
- KYN201 - Metal parts treater residue associate with GB munitions or related wastes
- KYN202 - Metal parts treater residue associate with VX munitions or related wastes
- KYN203 - Static detonation chamber residue with ash associate with H munitions.
- KYN3 - H Chemical Agent. Equivalent to N003.
- KYN301 - Agent Hydrolysate associated with GB munitions
- KYN302 - Agent Hydrolysate associated with VX munitions
- KYN401 - Energetic Hydrolysate associated with GB munitions
- KYN402 - Energetic hydrolysate associated with VX munitions
- KYN501 - Aluminum precipitate associated with treated GB munitions
- KYN502 - Aluminum precipitate associated with treated VX wastes
- KY601 - Reverse osmosis reject or supercritical water oxidation effluent associated with treated GB wastes
- KYN602 - Reverse osmosis reject or supercritical water oxidation effluent associated with treated VS wastes
- KYN701 - Lab wastes associated with treated GB wastes and GB - containing lab wastes treated to destroy agent with caustic
- KYN702 - Lab wastes associated with treated VX wastes and VX - containing lab wastes treated to destroy agent with caustic
- KYN703 - Lab wastes associated with treated H wastes and H - containing lab wastes treated to destroy agent with caustic
- KYN801 - OTM Condensate associated with treated GB wastes
- KYN802 - OTM Condensate associated with treated VX wastes
- KYN901 - Spent decon solutions associated with treated GB wastes

Kentucky (continued)

- KYN902 - Spent decon solutions associated with treated VX wastes

Maine

The waste codes as designated in Maine Rules follow the federal coding conventions (D, F, U and P coding, consistent with federal codes) and as such, the corresponding federal code must be entered on the new federal manifest in Item 13 pursuant to the manifest instructions. However, Maine has state-specific waste codes for "state-listed" hazardous wastes (i.e. "state-regulated only") that are not found in the federal hazardous waste rules (i.e. "not redundant" with federal waste codes). As such, these "state-regulated only/ not redundant" waste codes must be entered on the manifest in Item 13 for shipments of such wastes.

In addition, the State of Maine does not incorporate many of the federal exemptions and exclusions to the definition of solid waste and hazardous waste. Hazardous waste sent off-site for recycling or reclamation is not exempt from Maine regulations. Hazardous waste being sent for recycling or reclamation must use a uniform hazardous waste manifest to document the shipping. For wastes which are regulated as hazardous waste in Maine, but federally-exempt, the waste codes as designated in Maine Rules must be entered on the manifest in Item 13. Again, Maine Rules identify characteristic hazardous wastes by the same waste codes used under the federal rules (e.g. D001, D002, D003, D004, etc.), and identify listed hazardous waste using the F, P, and U-waste codes similar to the federal coding convention. As noted above, Maine Rules include state-specific wastes, including listings for PCBs (M002) and several P- and U-coded wastes which are not listed federally. For shipment of these wastes in Maine, the waste code as identified in Maine Rules must be entered on the manifest in Item 13. Generators may choose to specify in Item 14 of the manifest that such waste is "state-regulated only", but this is not required.

The State of Maine regulates batteries, cathode ray tubes, mercury or lead containing lamps, mercury devices, mercury thermostats and motor vehicle mercury switches as universal waste. Generators of universal wastes must ship and track their waste using a hazardous waste manifest, a Uniform Bill of Lading, or an alternative form approved by the Department. If a generator chooses to use a hazardous waste manifest for a universal waste shipment, then item counts of the waste must be supplied in Item 14.

Universal wastes use the prefix MR followed by the federal or state waste code. For example, mercury containing lamps would use the code MRD009. For additional examples, see Appendix J of the Universal Waste Handbook. Waste oil being transported into Maine from out of state must be accompanied by a hazardous waste manifest. The results from analysis required by the Waste Oil Management Rules, Chapter 860.15(C) may be recorded in Item 14. Special Handling Instructions and Additional Information. If the results are not included on the manifest in Item 14, then a copy of the results must be attached to each copy of the manifest at the time of each copy's distribution. If a shipment of waste oil from a storage facility does not meet the specification described in Chapter 860.4(B), then it must be accompanied by a hazardous waste manifest pursuant to Waste Oil Management Rules, Chapter 860.13(B)(2)(b). The results of the analysis may be recorded in Item 14. Special Handling Instructions and Additional Information. If the results are not included on the manifest in Item 14, then a copy of the results must be attached to each copy of the manifest at the time of each copy's distribution.

- K119 - Wastes from the decanter in the production of linuron
- K120 - Wastes from the spill control trap in production of linuron
- K121 - Wastewater from the product filtration and water washing in the production of bromacil
- M002 - PCB Content of 50 ppm or higher
- M003 - Waste oils and coolant oils with greater than 4,000 ppm halogens due to chlorinated paraffins that are federally-exempt
- MRD001 - Universal waste ignitable
- MRD002 - Universal waste corrosive
- MRD003 - Universal waste reactive
- MRD006 - Universal waste cadmium
- MRD007 - Universal waste chromium
- MRD008 - Universal waste lead

Maine (continued)

- MRD009 - Universal waste mercury
- MRD011 - Universal waste silver
- MRM002 - Universal waste PCB
- P125 - Antimony, when in the form of particles 100 microns or less
- P126 - Paraquat or 4,4 - Bipyridinium, 1,1-dimethyl dichloride
- P129 - Chlorine
- P130 - Coumaphos
- P131 - Mevinphos or Crotonic acid, 3-hydroxy-, methyl ester, dimethyl phosphate (E)
- P132 - Nitrogen mustard or Diethylamine, 2,2, dichloro N methyl
- P133 - Chloroethanol
- P134 - Glutarimide, 3-(2-(3,5-dimethyl-2-oxocyclohexyl)-2 hydroxyethyl) or Cycloheximide
- P135 - Phenytoin or Hydantoin, 5,5-diphenyl-monosodium salt
- P136 - Phenytoin sodium or Hydantoin, 5,5-diphenyl-monosodium salt
- P137 - Hydroquinone
- P138 - Isonicotinic acid hydrazide
- P139 - Phosphonic acid, (2,2,2-trichloro-1, hydroxyethyl)-, dimethyl ester
- P140 - Leptophos or Phosphorothioic acid, phenyl-0- (4-bromo-2, 5-dichlorophenyl) 0-methyl ester
- P141- EPN or Phosphorothioic acid, phenyl-, 0-ethyl 0- (p-nitrophenyl) ester
- P142 - Phosacetim or Phosphoramidithioic acid, acetimidoyl-,0,0-bis(p-chlorophenyl) ester
- P143 - Chlorfenvinphos or Phosphoric acid, 2-chloro 1-(2,4-dichlorophenyl) vinyl diethyl ester
- P144 - Phosphoric acid, 2,2-dichlorovinyl dimethyl ester or Dichlorvos
- P145 - Phosphoric acid, dimethyl ester, ester with 2-chloro-N,N diethyl-3-hydroxycrotonamide
- P146 - Dicrotophos or Phosphoric acid, dimethyl ester, ester with (E)-3-hydroxy-N, N-dimethylcrotonamide
- P147 - Monocrotophos or Phosphoric acid, dimethyl ester, ester with (E) 3 hydroxy N, methyl crotonamide
- P148 - Phosphorodithioic acid, S-(((p-chlorophenyl)thio)methyl) 0,0 diethyl ester
- P-149 - Phosphorothioic acid, 0,0-diethyl-S-(((1,1-dimethylethyl)thio)methyl)ester or Terbufos
- P150 - Azinphos ethyl
- P151 - Azinphos methyl
- P152 - Phosmet or Phosphorodithioic acid, 0, 0-dimethyl ester, S-ester with N-(mercaptomethyl) phthalimide
- P153 - Dioxathion
- P154 - Ethion
- P155 - Demeton
- P156 - Fensulfothion
- P157 - Oxydemeton-Methyl or Phosphorothioic acid, S (2)ethyl sulfinyl)ethyl) 0, 0-dimethyl ester
- P158 - Sulfide, bis (2-chloro-theyl)-
- U354 - Bromacil or 5-Bromo-3-sec-butyl-6-methyluracil
- U355 - Linuron or N'(3,4-dichlorohenyl)-N-methoxy-N--methyl urea

Maryland

o Hazardous Waste From Specific Sources (COMAR 26.13.02.17):

- Primary Copper, K064;
- Primary Lead, K065;
- Primary Zinc, K066;
- Primary Zinc, K067;
- Primary Zinc, K068;
- Ferroalloys, K090 & K091; and
- Military K991, K992, K993, K994, K995, K996, K997, K998 and K999.
 - K991 - Waste ethyl dimethylamidocyanophosphate, also known by the common names GA and Tabun and the following alternate chemical names: Ethyl N, N-dimethylphosphoramidocyanidate / Dimethylamidoethoxyphosphoryl cyanide

Maryland (continued)

- K992 - Waste isopropyl methanefluorophosphate, also known by the common names GB and Sarin and the following alternate chemical names: Isopropyl methylphosphonofluoridate / Isopropyl ester of methylphosphonofluodic acid
- K993 - Waste 3,3-dimethyl-n-but-2-yl methylphosphonofluoridate, also known by the common names GD and Soman and the following alternate chemical names: Pinacolyl methyl-phosphonofluoridate / 1,2,2-trimethyl, methylphosphono-fluoridate / Pinacoloxymethylphosphoryl fluoridate
- K994 - Waste O-ethyl S-(-diisopropyl-aminoethyl), methylphosphonothioate also known by the common name VX
- K995 - Waste chlorovinylarsine dichloride, also known by the names L and Lewisite and the following alternate chemical names: Dichloro (2-chlorovinyl) arsine / 2-chlorovinyl dichlorarsine
- K996 - Waste phenarsazine chloride, also known by the common name Adamsite
- K997 - Waste bis(2-chloroethyl) sulfide, also known by the common name sulfur mustard and HD
- K998 - Waste 2,2' -di(3-chloroethylthio) -diethyl ether, also known by the common name T and the following alternate chemical name: Bis-(2-chloroethylthioethyl) ether
- K999 - Waste military chemical warfare agents (chemical surety agents) having any substances K991 through K998 as their active or principal ingredient or ingredients, or mixture of K991 through K998 with any characteristic or listed hazardous waste
- Hazardous Waste from Specific Sources (State) (COMAR 26.13.02.18):
- Discarded Commercial Chemical Products, Off-Specification Species, Containers, and Spill Residues of These (COMAR 26.13.02.19):
- MX 01: "Any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill, into or on any land or water, of any commercial chemical product or manufacturing chemical product or manufacturing chemical intermediate having the generic name listed in §E or G or mixtures containing polychlorinated biphenyls (PCBs) at concentrations greater than 50 ppm.";
- M001 - Polychlorinated Biphenyls (greater than 500 ppm)
- MD01 - Filter cake and sludge from API separators, generated during the production of phthalate esters
- MD02 - Reaction products resulting from the decontamination of certain chemical warfare agents
- MD03 - Residuals from the treatment of wastes K991 through K999 or solid items that contained one or more of the wastes K991 through K999 and that have been decontaminated.
- MT01 - Polychlorinated Biphenyls (50 to 500 ppm)
- MX01 - Mixtures of soil, water, or debris containing PCBs with concentrations greater than 50 ppm or any residue resulting from the cleanup of any spill of any commercial chemical product or manufacturing product or manufacturing chemical intermediate having the generic name listed in COMAR 26.13.02.19E and G

Massachusetts

- MA01 - Waste Oil
- MA02 - PCB Wastes
- MA04 - Waste Paint Related Material
- MA95 - Universal Waste
- MA97 - Class A Regulated Recyclable Material (including but not limited to specification used oil fuel) that is shipped using a hazardous waste manifest
- MA98 - Off Specification Used Oil Fuel that is shipped using a HW Manifest
- MA99 - Non-Hazardous Waste to be used only for non-hazardous waste shipped using HW manifest

Michigan

Additional hazardous wastes assigned to numerous waste with Michigan Hazardous Waste numbers, including specific hazardous wastes from specific sources and specific substances. Shipments of liquid industrial waste must be manifested. Some specific types of additional hazardous wastes include:

- mixed solvents;
- pharmaceutical wastes;
- crankcase oil;
- coolants and water soluble oil;
- other oil;

Michigan (continued)

- brine;
- PCBs;
- other wastes;
- antifreeze;
- storm sewer cleanouts;
- sanitary sewer cleanouts;
- x-ray/photo cleaning solutions;
- water-based cleaning solutions;
- car wash sludges; and
- grease trap wastes.

Minnesota

- MN01 - Lethal Waste
- MN02 - Lab Pack Waste
- MN03 - PCB Waste
- MN04 - Used oil managed as hazardous waste
- U -Unknown Waste

Missouri – State waste codes must be used if federal waste codes do not apply. State waste codes include:

- PCB wastes;
- dioxin waste; and
- disposal of used oil.

Mississippi

- K169 – Crude Oil Storage Tank Sediment
- K170 – Oil Storage Tank Sediment
- K171 - Spent Hydrotreating Catalyst
- K172 - Spent Hydrotreating Catalyst
- U336 -
- U404 - Ethanamine, N,N-Diethyl-(OR) Triethylamine

Nevada

- CAONLY - Generic California State Waste Code
- PCBX - Generic PCB Waste

New Hampshire

- NH01 - Used Oil
- NH02 - Solid Corrosives
- NH03 - Strontium Sulfide
- NHX1 - Recycling - Exempt
- NHX2 - Household Hazardous Waste Exempt
- NHX3 - Remediation Exempt

New Hampshire (continued)

- NHX4 - Sludge Exempt
- NHX5 - MSW Ash Exempt
- NHX6 - Shooting Range (Outdoor) Exempt

New Jersey

- ID27 - Dry Industrial Solid Waste; exempt as per 40 CFR 261.4
- ID72 - Bulk liquid and semi-liquids waste; exempt as per 40 CFR 261.4

New York

Generators must complete Block 13 Waste Codes. They may designate up to, but not more than, six Waste Codes. If applicable, NYS DEC's "B" type Waste Codes for PCB wastes must be used. Generators must provide the "old Handling Code" for their wastes in Block 13 in certain cases, or else the waste will be assumed to be landfilled.

- B - Incineration, heat recovery, burning. Use on e-manifest only
- B001 - PCB oil (concentrated) from transformers, capacitors, etc.
- B002 - Petroleum oil or other liquid containing 50 ppm or greater of PCBs, but less than 500 ppm PCBs. This includes oil from electrical equipment whose PCB concentration is unknown, except for circuit breakers, recloser, and cable.
- B003 - Petroleum oil or other liquid containing 500 ppm or greater of PCBs.
- B004 - PCB articles containing 50 ppm or greater of PCBs, but less than 500 ppm PCBs, excluding small capacitors. This includes oil-filled electrical equipment whose PCB concentration is unknown, except for circuit breakers, reclosers and cables.
- B005 - PCB articles, other than transformers, that contain 500 ppm or greater of PCBs, excluding small capacitors.
- B006 - PCB transformers. PCB transformers means any transformer that contains 500 ppm PCB or greater.
- B007 - Other PCB wastes, including contaminated soil, sludges, clothing, rags and dredge material.
- L- Landfill. Use on e-manifest only
- R - Material Recovery of more than 75 percent of the total material. Use on e-manifest only
- T - Chemical, physical or biological treatment. Use on e-manifest only.

Oregon

Oregon has state-specific wastes codes for acute and toxic hazardous wastes. Other additional wastes includes:

- waste pesticide residue, except for those that are managed as universal wastes or whose constituents are listed in the federal regulations, but are below the prescribed regulatory levels;
- wastes received from out of state that are not regulated in Oregon but are regulated as hazardous waste in state of origin.
- residues from demilitarization, treatment and testing of blister agents (such as mustard agents), which have been added to and made a part of the list found in the federal regulations;
- residues from demilitarization, treatment and testing of nerve agents, such as GB (Sarin) and VX; which have been added to and made a part of the list found in the federal regulations; and
- blister agents, such as mustard agents, which have been added to the list of commercial chemical products found in the federal regulations. 9. P999 Nerve agents, such as GB (Sarin) and VX, which have been added to the list of commercial chemical products found in the federal regulations.

Pennsylvania

- 502 - PCB Containing Waste

Rhode Island

- R001 - Toxic Waste
- R006 - Extremely Hazardous Waste
- R007 - PCB Waste
- R009 - Mercury containing waste
- R010 - Waste Oil
- R011 - Secondary Waste
- R012 - Precious Metal Bearing Waste
- R013 - Household Hazardous Waste
- R014 - Waste oil managed in accordance with Rule 15 of RI Hazardous Waste Regulations
- R015 - Hazardous waste that is required to be on a manifest by the destination state
- R016 - Remedial Action Waste

South Carolina

- 5555 - Solid waste determined by the department to be a hazard
- 7777 - Non-hazardous waste received by a hazardous waste facility
- K900 - Waste residues from the manufacture of organotin compounds which contain tri-(organo) substituted tin compounds, to include tributyltin and its analogs

Texas

Texas has its own 8-digit waste code that identifies each waste stream. The Texas waste code will still go on the manifest - regardless of if the waste is hazardous or not. Use two of the 6 waste code blocks in Item 13 for the Texas Waste Code. For hazardous waste, up to 4 applicable EPA codes (e.g., D001, F001, etc.) will go in the remaining waste code boxes. The formula for the Texas waste code is: The 4-digit sequence number + the 3-digit form code + the 1-digit classification code.

Utah

- F999 - Residues from demilitarization, treatment, and testing of nerve, military, and chemical agents CX, GA, GB, GD, H HD, HL, HN-1, HN-2, HN-3, HT, L, T, and VX).
- P999 - Nerve, Military, and Chemical Agents (i.e., CX, GA, GB, GD, H HD, HL, HN-1, HN-2, HN-3, HT, L, T, and VX).

Vermont

- VT01 - Waste containing polychlorinated biphenyls (PCB) in concentrations equal or greater than 20 parts per million
- VT02 - Waste containing greater than 5% by weight petroleum distillates with melting points of less than 100 degrees F, including but not limited to kerosene, fuel oil, hydraulic oils, and crankcase and automotive oils which have not been exempted under Section 7-203 (n), (o) and (p)
- VT03 - Waste miscible metal cutting and grinding fluid waste
- VT06 - Pesticidal wastes and obsolete pesticidal products not specifically listed in Subchapter 2
- VT08 - Waste ethylene glycol based coolants, antifreezes and solutions containing greater than 700 ppm of ethylene glycol
- VT11 - Wastes determined to be hazardous under provisions of Section 7-213 or 7-216
- VT20 - A solid material that when mixed with an equal weight of distilled water causes the liquid fraction of the mixture to exhibit the properties of corrosivity characteristic as specified under Section 7-206(a)(3)
- VT21 - Liquid wastes containing perfluorooctanoic acid (PFOA) in concentrations equal to or greater than 20 parts per trillion (ppt). For PFOA and PFOS, the standard of 20 ppt applies to the sum of the two substances (e.g. if the PFOA concentration is 15 ppt and the PFOS concentration is 6 ppt then there is an exceedance of the standard).

Vermont (continued)

- VT22 - Liquid wastes containing perfluorooctanesulfonic acid (PFOS) in concentrations equal to or greater than 20 parts per trillion (ppt). For PFOA and PFOS, the standard of 20 ppt applies to the sum of the two substances (e.g. if the PFOA concentration is 15 ppt and the PFOS concentration is 6 ppt then there is an exceedance of the standard).
- VT99 - Non-hazardous waste. Note: This hazardous waste code is to be used only for non-hazardous waste shipped using a hazardous waste manifest.
- VX50 - Aggregated Waste Special Tax Rate Code
- VX51 - Recycling Rate Special Tax Rate Code
- VX60 - Household Hazardous Waste Tax Exempt Code
- VX61 - Federal Generators Tax Exempt Code
- VX63 - Internal Shipments Tax Exempt Code
- VX66 - Redevelopment of Contaminated Properties Program Tax Exempt Code
- VX67 - Specific Waivers Tax Exempt Code

Virginia

- BCRUSH - Bulb or Lamp Crusher

Washington

- WP01 - Washington State Extremely Hazardous Persistent Waste containing Halogenated Organic Compounds (HOC) at a total concentration level of greater than 1.0%
- WP02 - Washington State Dangerous Persistent Waste containing Halogenated Organic Compounds (HOC) at a total concentration level 0.01% to 1.0%
- WP03 - Washington State Hazardous Persistent Waste containing Polycyclic Aromatic Hydrocarbons (PAH) at a total concentration level greater than 1.0%
- WPCB - Washing State Dangerous PCB Waste containing polychlorinated biphenyls at concentrations of 2 parts per million or greater from specific sources: discarded transformers, capacitors, or bushings containing (except when drained of all free flowing liquid) and the following wastes generated from the salvaging, rebuilding, or discarding or transformers, capacitors, or bushing containing polychlorinated biphenyls (PCB) at concentrations of 2 parts per million or greater; cooling and insulating fluids and cores, including core papers.
- WSC2 - Washington State solid or semisolid corrosive Dangerous Waste with a pH less than or equal to 2, or greater than or equal to 12.5, based upon a specific testing method.
- WT01 - Washington State Extremely Hazardous Toxic Waste with a toxic constituents concentration greater than or equal to 1.0%, determined by biological testing methods or a book designation procedure.
- WT02 - Washington State Dangerous Toxic Waste with a toxic constituents concentration greater than or equal to 0.001% and less than 1.0% , determined by biological testing methods or a book designation procedure.

Appendix C
Proposed Rule Text

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

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:

When used in any of the federal regulations incorporated by reference throughout this Subchapter, except where the context requires references to remain without substitution (including with regard to forms, publications, and regulations concerning international shipments, variances from land disposal restrictions, and other program areas over which the federal government retains sole authority): "United States" shall mean the State of North Carolina; "Environmental Protection Agency," "EPA," and "Agency" shall mean the Department of Environmental Quality; and "Administrator," "Regional Administrator," "Assistant Administrator," and "Director" shall mean the Secretary of the Department of Environmental Quality. The North Carolina Solid Waste Management Act and other applicable North Carolina General Statutes set forth in G.S. 130A shall be substituted for references to "the Solid Waste Disposal Act," "the Resource Conservation and Recovery Act," and "RCRA" where required by context.

(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~~260.5 (Subpart A), "General" are incorporated by reference including subsequent amendments and editions.

(e) 40 CFR 260.11, "Incorporation by Reference" 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 shall submit a written request to the Hazardous Waste Section, 1646 Mail Service Center, Raleigh, N.C. 27699-1646. Upon receipt of each request, individuals shall be placed on a mailing list to receive notices.
- (2) Material incorporated by reference in the Federal Register may be obtained electronically free of charge from the United States Environmental Protection Agency website at <http://www.epa.gov/laws-regulations/regulations>.
- (3) All material is available for inspection at the Department of Environmental Quality, Hazardous Waste Section, 217 West Jones Street, Raleigh, NC and at <https://deq.nc.gov/about/divisions/waste-management/hw/rules>.

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

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. July 1, 2016; August 1, 2004; August 1, 2000; August 1, 1998; August 1, 1997;
Temporary Amendment Eff. May 30, 2017 (replaced by the rule effective March 1, 2018);
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. June 24,
2017;
Amended Eff. July 1, 2020; March 1, 2018.