

**01 NCAC 43A .0202 COMPRESSED GASES, FLAMMABLE, NUCLEAR, CHEMICAL, BIOLOGICAL, RADIOACTIVE, AND OTHER HAZARDOUS MATERIALS**

- (a) The State Surplus Property Agency does not accept equipment or containers that contain compressed gases, or flammable, nuclear, chemical, biological, radioactive or other hazardous materials. Any container or equipment that has contained any of these materials must be rendered and declared safe by the owning agency, and a statement to this effect included in the item description when a disposal or sale of the item is requested. Any container or equipment that has been rendered and certified safe shall have labeling removed that would indicate that the container or equipment is contaminated or contains any of these items.
- (b) All laws and regulations must be followed and proper disposal documentation recorded with various regulatory federal, state and local agencies for the transport, sale or disposal of items described in Paragraph (a) of this Rule.
- (c) Laboratory equipment may be sold with regulated or non-regulated amounts of materials described in Paragraph (a) of this Rule. When hazardous materials are contained in a piece of equipment, all pertinent information related to types, amounts and any regulatory requirements shall be included in the item description when entered into the SSP System. If the equipment contains amounts that are not regulated by any federal, state, or local agency, the description of the equipment shall include the statement "Non-Regulated." These items shall be sold at the agencies location and not transported to the State Surplus Property Agency. The owning agency shall ensure all applicable laws and regulations are followed in the transport, sale or disposal of such items. If a potential buyer is required to be registered with any regulatory agency prior to taking possession of the equipment, the selling agency shall include all requirements in the description of the item and review and approve any required documentation presented by the successful bidder within 48 hours of the opening of the bids.
- (d) Each agency shall contact its safety office and ensure that all federal, state and local regulations have been followed prior to the transport or disposal of items described in Paragraph (a) of this Rule.
- (e) This Rule does not apply to equipment, watercraft, aircraft or vehicles that may contain gasoline, diesel fuel, liquefied propane, liquefied natural gas or other fuels when it is contained within a fuel tank or fuel cell approved by the manufacturer of the equipment, watercraft, aircraft or vehicle.

*History Note: Authority G.S. 143-64.01; 143-64.04;  
Eff. April 1, 2009;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018.*