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NOTICE OF TEXT

[Authority G.S. 150B-21.2(c)]

OAH USE ONLY

VOLUME:

ISSUE:

CHECK APPROPRIATE BOX:

- Notice with a scheduled hearing
- Notice without a scheduled hearing
- Republication of text. Complete the following cite for the volume and issue of previous publication, as well as blocks 1 - 4 and 7 - 13. If a hearing is scheduled, complete block 5.
Previous publication of text was published in Volume: Issue:

1. Rule-Making Agency: Environmental Management Commission
2. Link to agency website pursuant to G.S. 150B-19.1(c): http://portal.ncdenr.org/web/wm/ust/whatsnew
3. Proposed Action -- Check the appropriate box(es) and list <u>rule citation(s)</u> beside proposed action: <input checked="" type="checkbox"/> ADOPTION: 15A NCAC 02L .0501 - .0515 <input type="checkbox"/> READOPTION <u>with</u> substantive changes: <input type="checkbox"/> READOPTION <u>without</u> substantive changes: <input type="checkbox"/> AMENDMENT: <input type="checkbox"/> REPEAL:
4. Proposed effective date: January 2, 2016
5. Is a public hearing planned? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes: Public Hearing date: August 26, 2015 Public Hearing time: 2:00 pm Public Hearing Location: Green Square Building, Room 1210 217 West Jones Street Raleigh, NC 27603
6. If no public hearing is scheduled, provide instructions on how to demand a public hearing:

FILED
 2015 JUL 13 PM 3:09
 OFFICE OF
 ADMIN HEARINGS

7. Explain Reason For Proposed Rule(s):

The Environmental Management Commission has received a petition for rulemaking and the Division of Waste Management has taken comments from stakeholders who maintain it is inconsistent to require risk-based remediation for only petroleum contamination from petroleum USTs. This change can be protective of human health and the environment and will reduce costs to some stakeholders.

8. Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission. If the Rules Review Commission receives written and signed objections in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 919-431-3000.

Rule(s) is automatically subject to legislative review. Cite statutory reference:

9. The person to whom written comments may be submitted on the proposed rule(s):

Name: Linda L. Smith

Address:

NCDENR/DWM/UST Section, 1637 Mail Service Center, Raleigh, NC 27699-1637

Phone (optional): 919-707-8150

Fax (optional): 919-715-1117

E-Mail (optional): Linda.L.Smith@ncdenr.gov

10. Comment Period Ends: October 2, 2015

11. Fiscal impact (check all that apply).

If this form contains rules that have different fiscal impacts, list the rule citations beside the appropriate impact.

- State funds affected
- Environmental permitting of DOT affected
Analysis submitted to Board of Transportation
- Local funds affected
- Substantial economic impact (≥\$1,000,000)
- Approved by OSBM
- No fiscal note required by G.S. 150B-21.4
- No fiscal note required by G.S. 150B-21.3A(d)(2)

12. Rule-making Coordinator:

Jennifer Everett

Address:

1601 Mail Service Center
Raleigh, NC 27699-1601

Phone: (919)-707-8614

E-Mail: jennifer.everett@ncdenr.gov

Agency contact, if any:

Linda L. Smith

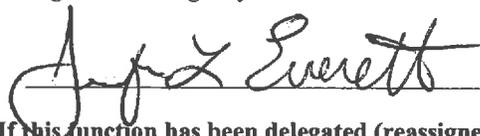
Phone: 919-707-8150

E-mail: Linda.L.Smith@ncdenr.gov

13. The Agency formally proposed the text of this rule(s) on

Date: May 14, 2015

14. Signature of Agency Head* or Rule-making Coordinator:



*If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.

Typed Name: Jennifer Everett

Title: Rulemaking Coordinator

1 **15A NCAC 02L .0501 is proposed for adoption as follows:**

2
3 **SECTION .0500 - RISK-BASED ASSESSMENT AND CORRECTIVE ACTION FOR NON-UST**
4 **PETROLEUM RELEASES**
5

6 **15A NCAC 02L .0501 PURPOSE AND SCOPE**

7 (a) The purpose of this Section is to establish procedures for risk-based assessment and corrective action
8 sufficient to:

9 (1) protect human health and the environment;

10 (2) abate and control contamination of the waters of the State as deemed necessary to protect
11 human health and the environment;

12 (3) permit management of the State's groundwaters to protect their designated current usage and
13 potential future uses;

14 (4) provide for anticipated future uses of the State's groundwater;

15 (5) recognize the diversity of contaminants, the State's geology and the characteristics of each
16 individual site; and

17 (6) accomplish these goals in a cost-efficient manner to assure the best use of the limited
18 resources available to address groundwater pollution within the State.

19 (b) The applicable portions of Section .0100 not specifically excluded apply to this Section.

20
21 History Note: Authority G.S. 143-215.2; 143-215.3(a)(1); 143B-282;

22 Eff. Month 1, year.

1 15A NCAC 02L .0502 is proposed for adoption as follows:

2
3 **15A NCAC 02L .0502 DEFINITIONS**

4 The definitions as set out in 15A NCAC 02L .0102 apply to this Section, except that the following definitions
5 apply throughout this Section:

- 6 (1) "Aboveground storage tank" or "AST" means any one or a combination of tanks (including
7 underground pipes connected thereto) that is used to contain an accumulation of petroleum.
- 8 (2) "AST system" means an aboveground storage tank, connected underground piping,
9 underground ancillary equipment, and containment system, if any".
- 10 (3) "Discharge" means, but is not limited to, any emission, spillage, leakage, pumping, pouring,
11 emptying, or dumping of oil into groundwater or surface water or upon land in such
12 proximity to such water that it is likely to reach the water and any discharge upon land which
13 is intentional, knowing or willful.
- 14 (4) "Operator" means any person in control of, or having responsibility for the daily operation of
15 the AST system.
- 16 (5) "Owner" means any person who owns a petroleum aboveground storage tank or other non-
17 UST petroleum tank, stationary or mobile, used for storage, use, dispensing, or transport.
- 18 (6) "Person" means an individual, trust, firm, joint stock company, Federal agency, corporation,
19 state, municipality, commission, political subdivision of a state, or any interstate body.
20 "Person" also includes a consortium, a joint venture, a commercial entity, and the United
21 States Government.
- 22 (7) "Petroleum" is defined in G.S. 143-215.94A(10).
- 23 (8) "Release" means any spilling, leaking, emitting, discharging, escaping, or leaching or
24 disposing into groundwater, surface water, or surface or subsurface soils.
- 25 (9) "Tank" is a device used to contain an accumulation of petroleum and constructed of non-
26 earthen materials (e.g., concrete, steel, plastic) that provides structural support.

27
28 History Note: Authority G.S. 143-212(4); 143-215.2; 143-215.3(a)(1); 143-215.77; 143B-282;
29 Eff. Month 1, year.

1 **15A NCAC 02L .0503 is proposed for adoption as follows:**

2
3 **15A NCAC 02L .0503 RULE APPLICATION**

4 This Section applies to any non-UST petroleum discharge. The requirements of this Section shall apply to the
5 owner and operator of a petroleum aboveground storage tank or other non-UST petroleum tank, stationary or
6 mobile, from which a discharge or release occurred and any person determined to be responsible for assessment
7 and cleanup of a discharge or release from a non-UST petroleum source, including any person who has
8 conducted or controlled an activity which results in the discharge or release of petroleum or petroleum products
9 (as defined in G.S. 143-215.94A(10)) to the groundwaters of the State, or in proximity thereto; these persons
10 shall be collectively referred to for purposes of this Section as the "responsible party".

11
12 *History Note: Authority G.S. 143-215.2; 143-215.3(a)(1);143B-282;*

13 *Eff. Month 1, year.*

1 15A NCAC 02L .0504 is proposed for adoption as follows:

2
3 15A NCAC 02L .0504 REQUIRED INITIAL RESPONSE AND ABATEMENT ACTIONS BY
4 RESPONSIBLE PARTY

5 A responsible party shall:

- 6 (1) take actions to prevent any further discharge or release of petroleum from the non-UST
7 petroleum source; identify and mitigate any fire, explosion or vapor hazard; and report the
8 release within 24 hours, in compliance with G.S. 143-215.83(a), 84(a), and 85(b);
- 9 (2) perform initial abatement actions to measure for the presence of a release where
10 contamination is most likely to be present and to confirm the precise source of the release; to
11 investigate to determine the possible presence of free product and to begin free product
12 removal; and to continue to monitor and mitigate any additional fire, vapor, or explosion
13 hazards posed by vapors or by free product; and submit a report within 20 days after release
14 confirmation summarizing these initial abatement actions;
- 15 (3) remove contaminated soil which would act as continuing source of contamination to
16 groundwater. For a new release, if initial abatement actions involving control and removal of
17 contaminated materials can be initiated within 48 hours from discovery; before contaminated
18 materials have the opportunity to impact groundwater; and if remaining soils contain
19 contaminants with levels less than the TPH action level or less than either the soil-to-
20 groundwater or residential MSCCS (whichever is lowest); no further action is necessary. If
21 the abatement actions cannot be initiated within 48 hours of discovery and petroleum
22 contaminated soil concentrations less than TPH action level cannot be achieved, conduct
23 activities in the subsequent items of this rule.
- 24 (4) conduct initial site assessment, assembling information about the site and the nature of the
25 release, including but not necessarily limited to the following:
- 26 (a) Site history and site characterization, including but not limited to, data on nature and
27 estimated quantity of release and data from available sources and site investigations
28 concerning surrounding populations, water quality, use, and approximate locations of wells,
29 surface water bodies, and subsurface structures potentially effected by the release, subsurface
30 soil conditions, locations of subsurface utilities, climatological conditions, and landuse;
- 31 (b) Results of free product investigations and free product removal, if applicable;
32 (c) Results of groundwater and surface water investigations, if applicable;
33 (d) Summary of initial response and abatement actions;
- 34 and submit this information in the report required under Item (5) of this Rule.
- 35 (5) submit within 90 days of the discovery of the discharge or release an initial assessment and
36 abatement report containing the site characterization information required in Item (4) of this
37 Rule; soil assessment information sufficient to show that remaining unsaturated soil in the

1 side walls and at the base of the excavation does not contain contaminant levels which exceed
2 either the "soil-to-groundwater" or the residential maximum soil contaminant concentrations
3 established by the Department pursuant to Rule .0511 of this Section, whichever is lower; and
4 documentation to show that neither bedrock nor groundwater was encountered in the
5 excavation (or if groundwater was encountered, that contaminant concentrations in
6 groundwater were equal to or less than the groundwater quality standards established in 15A
7 NCAC 2L .0202). If such showing is made, the discharge or release shall be classified as low
8 risk by the Department.

9
10 History Note: Authority G.S. 143-215.2; 143-215.3(a)(1);; 143B-282;
11 Eff. Month 1, year.

1 15A NCAC 02L .0505 is proposed for adoption as follows:

2
3 **15A NCAC 02L .0505 REQUIREMENTS FOR LIMITED SITE ASSESSMENT**

4 If the required showing cannot be made under Rule .0504 of this Section, submit within 120 days of the
5 discovery of the discharge or release, or within such other greater time limit approved by the Department, a
6 report containing information needed by the Department to classify the level of risk to human health and the
7 environment posed by a discharge or release under Rule .0506 of this Section. Such report shall include, at a
8 minimum:

- 9 (1) a location map, based on a USGS topographic map, showing the radius of 1500 feet from the
10 source area of a confirmed release or discharge and depicting all water supply wells, surface
11 waters and designated wellhead protection areas as defined in 42 U.S.C. 300h-7(e) within the
12 1500-foot radius. For purposes of this Section, source area means point of release or
13 discharge from the non-UST petroleum source or, if the point of release cannot be determined
14 precisely, source area is defined as the area of highest contaminant concentrations;
15 (2) a determination of whether the source area of the discharge or release is within a designated
16 wellhead protection area as defined in 42 U.S.C. 300h-7(e);
17 (3) if the discharge or release is in the Coastal Plain physiographic region as designated on a map
18 entitled "Geology of North Carolina" published by the Department in 1985, a determination
19 of whether the source area of the discharge or release is located in an area in which there is
20 recharge to an unconfined or semi-confined deeper aquifer which is being used or may be
21 used as a source of drinking water;
22 (4) a determination of whether vapors from the discharge or release pose a threat of explosion
23 due to the accumulation of vapors in a confined space, pose a risk to public health from
24 exposure, or pose any other serious threat to public health, public safety or the environment;
25 (5) scaled site map(s) showing the location of the following which are on or adjacent to the
26 property where the source is located: site boundaries, roads, buildings, basements, floor and
27 storm drains, subsurface utilities, septic tanks and leach fields, underground and aboveground
28 storage tank systems, monitoring wells, water supply wells, surface water bodies and other
29 drainage features, borings and the sampling points;
30 (6) the results from a limited site assessment which shall include the following actions:
31 (a) Determine the presence, the lateral and vertical extent, and the maximum
32 concentration levels of soil and, if possible, groundwater contamination and free
33 product accumulations.
34 (b) Install as many monitoring wells constructed in accordance with 15A NCAC 2C,
35 within the area of maximum soil or groundwater contamination as needed to
36 determine the groundwater flow direction and maximum concentrations of dissolved
37 groundwater contaminants or accumulations of free product, to include at a

1 minimum three monitoring wells, unless a greater or lesser number are specified for
2 a particular site by the Department ; during well construction, collect and analyze
3 soil samples, which should represent the suspected highest contaminant-level
4 locations by exhibiting visible contamination or elevated levels of volatile organic
5 compounds, from successive locations at five-foot depth intervals in the boreholes
6 of each monitoring well within the unsaturated zone; collect potentiometric data
7 from each monitoring well; and collect and analyze groundwater or measure the
8 amount of free product, if present, in each monitoring well;

9 (7) the availability of public water supplies and the identification of properties served by the
10 public water supplies within 1500 feet of the source area of a confirmed discharge or release;

11 (8) the land use, including zoning if applicable, within 1500 feet of the source area of a
12 confirmed discharge or release;

13 (9) a discussion of site specific conditions or possible actions which could result in lowering the
14 risk classification assigned to the release. Such discussion shall be based on information
15 known or required to be obtained under this Paragraph; and

16 (10) names and current addresses of all responsible parties for all petroleum sources for which a
17 discharge or release is confirmed, the owner(s) of the land upon which such petroleum
18 sources are located, and all potentially affected real property owners. Documentation of
19 ownership of ASTs or other sources and of the property upon which a source is located shall
20 be provided. When considering a request from a responsible party for additional time to
21 submit the report, the Division shall consider the extent to which the request for additional
22 time is due to factors outside of the control of the responsible party, the previous history of
23 the person submitting the report in complying with deadlines established under the
24 Commission's rules, the technical complications associated with assessing the extent of
25 contamination at the site or identifying potential receptors, and the necessity for action to
26 eliminate an imminent threat to public health or the environment.

27
28 *History Note: Authority G.S. 143-215.2; 143-215.3(a)(1); 143B-282;*
29 *Eff. Month 1, year.*

1 **15A NCAC 02L .0506 is proposed for adoption as follows:**

2
3 **15A NCAC 02L .0506 DISCHARGE OR RELEASE CLASSIFICATIONS**

4 The Department shall classify the risk of each known discharge or release as high, intermediate or low risk
5 unless the discharge or release has been classified under 15A NCAC 02L .0504(3) of this Section. For
6 purposes of this Section:

7 (1) "High risk" means that:

- 8 (a) a water supply well, including one used for non-drinking purposes, has been
9 contaminated by the release or discharge;
10 (b) a water supply well used for drinking water is located within 1000 feet of the source
11 area of a confirmed discharge or release;
12 (c) a water supply well not used for drinking water is located within 250 feet of the
13 source area of a confirmed discharge or release;
14 (d) the groundwater within 500 feet of the source area of a confirmed discharge or
15 release has the potential for future use in that there is no source of water supply other
16 than the groundwater;
17 (e) the vapors from the discharge or release pose a serious threat of explosion due to
18 accumulation of the vapors in a confined space or pose a risk to public health from
19 exposure; or
20 (f) the discharge or release poses an imminent danger to public health, public safety, or
21 the environment.

22 (2) "Intermediate risk" means that:

- 23 (a) surface water is located within 500 feet of the source area of a confirmed discharge
24 or release and the maximum groundwater contaminant concentration exceeds the
25 applicable surface water quality standards and criteria found in 15A NCAC 02B
26 .0200 by a factor of 10;
27 (b) in the Coastal Plain physiographic region as designated on a map entitled "Geology
28 of North Carolina" published by the Department in 1985, the source area of a
29 confirmed discharge or release is located in an area in which there is recharge to an
30 unconfined or semi-confined deeper aquifer which the Department determines is
31 being used or may be used as a source of drinking water;
32 (c) the source area of a confirmed discharge or release is within a designated wellhead
33 protection area, as defined in 42 U.S.C. 300h-7(e);
34 (d) the levels of groundwater contamination for any contaminant except ethylene
35 dibromide, benzene and alkane and aromatic carbon fraction classes exceed 50
36 percent of the solubility of the contaminant at 25 degrees Celsius or 1,000 times the

1 groundwater standard or interim standard established in 15A NCAC 02L .0202,
2 whichever is lower; or
3 (e) the levels of groundwater contamination for ethylene dibromide and benzene exceed
4 1,000 times the federal drinking water standard set out in 40 CFR 141.

5 (3) "Low risk" means that:
6 (a) the risk posed does not fall within the high or intermediate risk categories; or
7 (b) based on review of site-specific information, limited assessment or interim
8 corrective actions, the Department determines that the discharge or release poses no
9 significant risk to human health or the environment.

10 If the criteria for more than one risk category applies, the discharge or release shall be classified at the highest
11 risk level identified in Rule .0507 of this Section.

12
13 *History Note: Authority G.S. 143-215.2; 143-215.3(a)(1); 143B-282;*
14 *Eff. Month 1, year.*

1 15A NCAC 02L .0507 is proposed for adoption as follows:
2

3 15A NCAC 02L .0507 RECLASSIFICATION OF RISK LEVELS

4 (a) The Department may reclassify the risk posed by a release if warranted by further information concerning
5 the potential exposure of receptors to the discharge or release or upon receipt of new information concerning
6 changed conditions at the site. After initial classification of the discharge or release, the Department may
7 require limited assessment, interim corrective action, or other actions which the Department believes will result
8 in a lower risk classification. It shall be a continuing obligation of each responsible party to notify the
9 Department of any changes that might affect the level of risk assigned to a discharge or release by the
10 Department if the change is known or should be known by the responsible party. Such changes shall include,
11 but shall not be limited to, changes in zoning of real property, use of real property or the use of groundwater
12 that has been contaminated or is expected to be contaminated by the discharge or release, if such change could
13 cause the Department to reclassify the risk.

14 (b) If the risk posed by a discharge or release is determined by the Department to be high risk, the responsible
15 party shall comply with the assessment and cleanup requirements of Rule .0106(c), (g) and (h) of this
16 Subchapter. The goal of any required corrective action for groundwater contamination shall be restoration to
17 the level of the groundwater standards set forth in 15A NCAC 02L .0202, or as closely thereto as is
18 economically and technologically feasible. In any corrective action plan submitted pursuant to this Paragraph,
19 natural attenuation shall be used to the maximum extent possible. If the responsible party demonstrates that
20 natural attenuation prevents the further migration of the plume, the Department may approve a groundwater
21 monitoring plan.

22 (c) If the risk posed by a discharge or release is determined by the Department to be an intermediate risk, the
23 responsible party shall comply with the assessment requirements of 15A NCAC 02L .0106(c) and (g). As part
24 of the comprehensive site assessment, the responsible party shall evaluate, based on site specific conditions,
25 whether the release poses a significant risk to human health or the environment. If the Department determines,
26 based on the site-specific conditions, that the discharge or release does not pose a significant threat to human
27 health or the environment, the site shall be reclassified as a low risk site. If the site is not reclassified, the
28 responsible party shall, at the direction of the Department, submit a groundwater monitoring plan or a
29 corrective action plan, or a combination thereof, meeting the cleanup standards of this Paragraph and containing
30 the information required in 15A NCAC 02L .0106(h). Discharges or releases which are classified as
31 intermediate risk shall be remediated, at a minimum, to a cleanup level of 50 percent of the solubility of the
32 contaminant at 25 degrees Celsius or 1,000 times the groundwater standard or interim standard established in
33 15A NCAC 02L .0202, whichever is lower for any groundwater contaminant except ethylene dibromide,
34 benzene and alkane and aromatic carbon fraction classes. Ethylene dibromide and benzene shall be remediated
35 to a cleanup level of 1,000 times the federal drinking water standard set out in 40 CFR 141. Additionally, if a
36 corrective action plan or groundwater monitoring plan is required under this Paragraph, the responsible party
37 shall demonstrate that the groundwater cleanup levels are sufficient to prevent a violation of:

- 1 (1) the rules contained in 15A NCAC 02B;
2 (2) the standards contained in 15A NCAC 02L .0202 in a deep aquifer as described in Rule
3 .0506(2)(b) of this Section; and
4 (3) the standards contained in 15A NCAC 02L .0202 at a location no closer than one year time of
5 travel upgradient of a well within a designated wellhead protection area, based on travel time
6 and the natural attenuation capacity of the subsurface materials or on a physical barrier to
7 groundwater migration that exists or will be installed by the person making the request.

8 In any corrective action plan submitted pursuant to this Paragraph, natural attenuation shall be used to the
9 maximum extent possible.

10 (d) If the risk posed by a discharge or release is determined by the Department to be a low risk, the Department
11 shall notify the responsible party that no cleanup, no further cleanup or no further action will be required by the
12 Department, unless the Department later determines that the discharge or release poses an unacceptable risk or a
13 potentially unacceptable risk to human health or the environment. No notification will be issued pursuant to
14 this Paragraph, however, until the responsible party has completed soil remediation pursuant to Rule .0508 of
15 this Section or as closely thereto as economically or technologically feasible; has submitted proof of public
16 notification and has recorded any land-use restriction(s), if required; and paid any applicable statutorily
17 authorized fees. The issuance by the Department of a notification under this Paragraph shall not affect any
18 private right of action by any party which may be affected by the contamination.

19
20 History Note: Authority G.S. 143-215.2; 143-215.3(a)(1); 143B-282;
21 Eff. Month 1, year.

1 15A NCAC 02L .0508 is proposed for adoption as follows:
2

3 **15A NCAC 02L .0508 ASSESSMENT AND REMEDIATION PROCEDURES**

4 Assessment and remediation of soil contamination shall be addressed as follows:

- 5 (1) At the time that the Department determines the risk posed by the discharge or release, the
6 Department shall also determine, based on site-specific information, whether the site is
7 "residential" or "industrial/commercial." For purposes of this Section, a site is presumed
8 residential, but may be classified as industrial/commercial if the Department determines
9 based on site-specific information that exposure to the soil contamination is limited in time
10 due to the use of the site and does not involve exposure to children. For purposes of this
11 Item, "site" means both the property upon which the discharge or release has occurred and
12 any property upon which soil has been affected by the discharge or release.
- 13 (2) The responsible party shall submit a report to the Department assessing the vertical and
14 horizontal extent of soil contamination.
- 15 (3) For a discharge or release classified by the Department as low risk, the responsible party shall
16 submit a report demonstrating that soil contamination has been remediated to either the
17 residential or industrial/commercial maximum soil contaminant concentration established by
18 the Department pursuant to Rule .0511 of this Section, whichever is applicable.
- 19 (4) For a discharge or release classified by the Department as high or intermediate risk, the
20 responsible party shall submit a report demonstrating that soil contamination has been
21 remediated to the lower of:
- 22 (a) the residential or industrial/commercial maximum soil contaminant concentration,
23 whichever is applicable, that has been established by the Department pursuant to
24 Rule .0511 of this Section; or
- 25 (b) the "soil-to-groundwater" maximum soil contaminant concentration that has been
26 established by the Department pursuant to Rule .0511 of this Section.

27
28 History Note: Authority G.S. 143-215.2; 143-215.3(a)(1); 143B-282;

29 Eff. Month 1, year.

1 **15A NCAC 02L .0509 is proposed for adoption as follows:**

2
3 **15A NCAC 02L .0509 NOTIFICATION REQUIREMENTS**

4 (a) A responsible party who submits a corrective action plan which proposes natural attenuation or to cleanup
5 groundwater contamination to a standard other than a standard or interim standard established in 15A NCAC
6 02L .0202, or to cleanup soil other than to the standard for residential use or soil-to-groundwater contaminant
7 concentration established pursuant to this Section, whichever is lowest, shall give notice to: the local Health
8 Director and the chief administrative officer of each political jurisdiction in which the contamination occurs; all
9 property owners and occupants within or contiguous to the area containing the contamination; and all property
10 owners and occupants within or contiguous to the area where the contamination is expected to migrate. Such
11 notice shall describe the nature of the plan and the reasons supporting it. Notification shall be made by certified
12 mail concurrent with the submittal of the corrective action plan. Approval of the corrective action plan by the
13 Department shall be postponed for a period of 30 days following receipt of the request so that the Department
14 may consider comments submitted. The responsible party shall, within a time frame determined by the
15 Department to be sufficient, provide the Department with a copy of the notice and proof of receipt of each
16 required notice, or of refusal by the addressee to accept delivery of a required notice. If notice by certified mail
17 to occupants under this Paragraph is impractical, the responsible party may give notice by posting such notice
18 prominently in a manner designed to give actual notice to the occupants. If notice is made to occupants by
19 posting, the responsible party shall provide the Department with a copy of the posted notice and a description of
20 the manner in which such posted notice was given.

21 (b) A responsible party who receives a notice pursuant to 15A NCAC 02L .0507(d) of this Section for a
22 discharge or release which has not been remediated to the groundwater standards or interim standards
23 established in Rule .0202 of this Subchapter or to the lower of the residential or soil-to-groundwater
24 contaminant concentrations established under Rule .0511 of this Section, shall, within 30 days of the receipt of
25 such notice, provide a copy of the notice to: the local Health Director and the chief administrative officer of
26 each political jurisdiction in which the contamination occurs; all property owners and occupants within or
27 contiguous to the area containing contamination; and all property owners and occupants within or contiguous to
28 the area where the contamination is expected to migrate. Notification shall be made by certified mail. The
29 responsible party shall, within a time frame determined by the Department, provide the Department with proof
30 of receipt of the copy of the notice, or of refusal by the addressee to accept delivery of the copy of the notice. If
31 notice by certified mail to occupants under this Paragraph is impractical, the responsible party may give notice
32 by posting a copy of the notice prominently in a manner designed to give actual notice to the occupants. If
33 notice is made to occupants by posting, the responsible party shall provide the Department with a description of
34 the manner in which such posted notice was given.

35
36 History Note: Authority G.S. 143-215.2; 143-215.3(a)(1); 143B-282;

37 Eff. Month 1, year.

1 15A NCAC 02L .0510 is proposed for adoption as follows:
2

3 **15A NCAC 02L .0510 DEPARTMENTAL LISTING OF DISCHARGES OR RELEASES**

4 To the extent feasible, the Department shall maintain in each of the Department's regional offices a list of all
5 non-UST petroleum discharges or releases discovered and reported to the Department within the region.
6

7 *History Note: Authority G.S. 143-215.2; 143-215.3(a)(1); 143B-282;*

8 *Eff. Month 1, year.*

1 15A NCAC 02L .0511 is proposed for adoption as follows:
2

3 15A NCAC 02L .0511 ESTABLISHING MAXIMUM SOIL CONTAMINATION

4 CONCENTRATIONS

5 For purposes of risk-based assessment and remediation for non-UST petroleum releases, refer to 15A NCAC
6 02L .0411 for establishment of maximum soil contamination concentrations.

7
8 *History Note: Authority G.S. 143-215.2; 143-215.3(a)(1); 143B-282;*

9 *Eff. Month 1, year.*

1 **15A NCAC 02L .0512 is proposed for adoption as follows:**

2

3 **15A NCAC 02L .0512 ANALYTICAL PROCEDURES FOR SOIL SAMPLES**

4 For purposes of risk-based assessment and remediation for non-UST petroleum releases, refer to 15A NCAC
5 02L .0412 for analytical procedures for soil samples.

6

7 History Note: Authority G.S. 143-215.2; 143-215.3(a)(1); 143B-282;

8

Eff. Month 1, year.

1 **15A NCAC 02L .0513 is proposed for adoption as follows:**

2

3 **15A NCAC 02L .0513 ANALYTICAL PROCEDURES FOR GROUNDWATER SAMPLES**

4 For purposes of risk-based assessment and remediation for non-UST petroleum releases, refer to 15A NCAC
5 02L .0413 for analytical procedures for groundwater samples.

6

7 *History Note: Authority G.S. 143-215.2; 143-215.3(a)(1); 143B-282;*

8

Eff. Month 1, year.

1 **15A NCAC 02L .0514 is proposed for adoption as follows:**

2

3 **15A NCAC 02L .0514 REQUIRED LABORATORY CERTIFICATION**

4 In accordance with 15A NCAC 02H .0804, laboratories are required to obtain North Carolina Division of Water
5 Resources laboratory certification for parameters that are required to be reported to the State in compliance with
6 the State's surface water, groundwater and pretreatment rules.

7

8 History Note: Authority G.S. 143-215.2; 143-215.3(a)(1); 143B-282;

9 Eff. Month 1, year.

1 **15A NCAC 02L .0515 is proposed for adoption as follows:**

2

3 **15A NCAC 02L .0515 DISCHARGES OR RELEASES FROM OTHER SOURCES**

4 This Section shall not relieve any person responsible for assessment or cleanup of contamination from a source
5 other than a non-UST petroleum release from its obligation to assess and clean up contamination resulting from
6 such discharge or releases.

7

8 *History Note: Authority G.S. 143-215.2; 143-215.3(a)(1); 143B-282;*

9 *Eff. Month 1, year.*