

1 SUBCHAPTER 2L - GROUNDWATER CLASSIFICATION AND STANDARDS

2  
3 SECTION .0100 - GENERAL CONSIDERATIONS

4  
5 15A NCAC 02L .0101 AUTHORIZATIONPURPOSE

6 (a) N.C. General Statute 143-214.1 directs that the Commission develop and adopt after proper study a series of  
7 classifications and standards ~~which will be~~ appropriate for the purpose of classifying each of the waters of the state in  
8 such a way as to promote the policy and purposes of the act. ~~Pursuant to this statute, the rules in this~~ This Subchapter  
9 ~~establish~~ establishes a series of classifications and water quality standards applicable to the groundwaters of the state.

10 (b) ~~These~~ The rules Rules in this Subchapter are applicable to all activities or actions, intentional or accidental, which  
11 contribute to the degradation of groundwater quality, regardless of any permit issued by a governmental agency  
12 authorizing such action or activity except an innocent landowner who is a bona fide purchaser of property which  
13 contains a source of groundwater contamination, who purchased such property without knowledge or a reasonable  
14 basis for knowing that groundwater contamination had occurred, or a person whose interest or ownership in the  
15 property is based or derived from a security interest in the property, shall not be considered a responsible party.

16  
17 History Note: Authority G.S. 143-214.1; 143-214.2; 143-215.3(a)(1); 143B-282;  
18 Eff. June 10, 1979;  
19 Amended Eff. August 1, 1989; July 1, 1988; September 1, 1984; December 30, 1983.

20  
21 15A NCAC 02L .0102 DEFINITIONS

22 The definition of any word or phrase used in ~~these~~ the Rules in this Subchapter shall be the same as given in G.S.  
23 143-212 and G.S. 143-213 except that the following words and phrases shall have the following meanings:

24 (1) ~~“Active remediation” means corrective action that includes active physical, biological, or chemical~~  
25 ~~manipulation of groundwater, or of the rock or soil media for the purpose of reducing the amount~~  
26 ~~of contamination or minimizing the spread of contamination.~~

27 (2) ~~“Anthropogenic” means of, relating to, or resulting from the influence of human beings on nature.~~

28 (3) ~~“Background threshold values” mean statistically derived values of the naturally occurring~~  
29 ~~concentrations of constituents in environmental media for use as a basis for compliance with the~~  
30 ~~Rules in this Subchapter and corrective action.~~

31 (4) ~~(4)~~ "Bedrock" means any consolidated rock encountered in the place in which it was formed or  
32 deposited and which cannot be readily excavated without the use of explosives or power equipment.

33 (2) ~~“Commission” means the Environmental Management Commission as organized under G.S. 143B.~~

34 (5) ~~(3)~~ ~~“Chief administrative Officer” shall be, for the purposes of this rule, the Mayor, Chairman of the~~  
35 ~~County Commissioners, the County Manager, the City Manager, or other individual of equal or~~  
36 ~~similar position, as appropriate.~~

37 (6) "Compliance boundary" means a boundary around a ~~waste~~ disposal system at and beyond which  
38 ~~groundwater quality~~ standards may not be exceeded and ~~only~~ applies to facilities which have  
39 received a permit issued under the authority of G.S. 143-215.1 or G.S. 130A.

- 1           (7)       “Compliance zone” means the area within the compliance boundary.
- 2           (8)       “Constituent of interest” means any constituent that is manmade or naturally occurring that the
- 3                     Director deems is of interest to public health and the environment; due to its presence that may be
- 4                     associated with site activities.
- 5           (4)(9)   "Contaminant" means any substance ~~occurring—that occurs~~ in groundwater as a result of
- 6                     anthropogenic sources or activities in concentrations which exceed the ~~groundwater quality~~
- 7                     standards specified in Rule .0202 of this Subchapter.standards.
- 8           (10)      “Control” means the ability to direct, restrain, or influence sources of contamination and
- 9                     contaminant distribution.
- 10          (5)(11)   "Corrective action plan" means a plan for controlling or eliminating sources of groundwater
- 11                     contamination or for improving or restoring groundwater quality. achieving groundwater quality
- 12                     restoration or both.
- 13          (6)(12)   "Director" means Director of the Division of ~~Environmental Management Water Resources or~~
- 14                     Waste Management or their delegate.
- 15          (7)(13)   "Division" means the Division of ~~Environmental Management Water Resources or Waste~~
- 16                     Management.
- 17          (8)(14)   "Exposure pathway" means a course taken by a contaminant by way of a transport medium after its
- 18                     release to the environment.
- 19          (9)(15)   "Free product" means a non-aqueous phase liquid which may be present within the saturated zone
- 20                     or in surface water.
- 21          (10)(16) "Fresh groundwaters" means those groundwaters having a chloride concentration equal to or less
- 22                     than 250 milligrams per liter.
- 23          (11)(17) "Groundwaters" means ~~these~~ waters occurring in the subsurface under saturated conditions.
- 24          (12)(18) "Hazardous substance" means any substance as defined by Section 101(14) of the Comprehensive
- 25                     Environmental Response, Compensation and Liability Act of 1980 (CERCLA).
- 26          (13)(19) "Licensed geologist" means a person who has been duly licensed as a geologist in accordance with
- 27                     the requirements of G.S. 89E.
- 28          (20)      “Licensed soil scientist” means a person who has been duly licensed as a soil scientist in accordance
- 29                     with the requirements of G.S. 89F.
- 30          (21)      “Lower Limit of Quantitation” means the lowest acceptable concentration used in the daily
- 31                     calibration curve.
- 32          (22)      “Method Detection Limit” means the minimum measured concentration of a substance that can be
- 33                     reported with 99% confidence that the measured concentration is distinguishable from method blank
- 34                     results.
- 35          (14)(23) "Natural ~~remediation~~"attenuation" means those natural processes acting to restore groundwater
- 36                     quality, including dilution, filtration, sorption, ion-exchange, chemical ~~transformation~~
- 37                     transformation, and biodegradation.

1 ~~(24)~~ "Natural conditions or naturally occurring" means the physical, biological, chemical and  
2 radiological conditions which occur naturally and are not a result of anthropogenic sources or  
3 activities.

4 ~~(25)~~ "Potable waters" means those waters suitable for drinking by humans.

5 ~~(15)(26)~~ "Practical Quantitation Limit" means the lowest concentration of a given material that can be  
6 reliably achieved ~~among laboratories~~ within specified limits of precision and accuracy by a given  
7 analytical method during routine laboratory analysis.

8 ~~(16)~~ "Natural conditions" means the physical, biological, chemical and radiological conditions which  
9 occur naturally.

10 ~~(17)~~ "Potable waters" means those waters suitable for drinking by humans.

11 ~~(18)(27)~~ "Professional Engineer" means a person who has been duly registered and licensed as a professional  
12 engineer in accordance with the requirements of G.S. 89C.

13 ~~(19)(28)~~ "Receptor" means any human, plant, animal, ~~or structure~~ structure, or waters of the State, which is,  
14 or has the potential to be, adversely effected by the release or migration of contaminants. Any well  
15 constructed for the purpose of monitoring groundwater and contaminant concentrations shall not be  
16 considered a receptor.

17 ~~(20)(29)~~ "Review boundary" means a boundary around a permitted disposal facility, midway between a waste  
18 boundary and a compliance boundary at which groundwater monitoring ~~is~~ may be required.

19 ~~(21)~~ "Saline groundwaters" means those groundwaters having a chloride concentration of more than 250  
20 mg/l.

21 ~~(22)(30)~~ "Saturated zone" means that part of the subsurface below the water table in which all the  
22 interconnected voids are filled with water under pressure at or greater than atmospheric. It does not  
23 include the capillary fringe.

24 ~~(31)~~ "Secretary" means the Secretary of the Department of Environmental Quality or the Secretary's  
25 delegate.

26 ~~(23)(32)~~ "Standards" "Standard" or "Standards" means groundwater quality standards as specified in Rule  
27 .0202 of this Subchapter. Subchapter and any interim maximum allowable concentrations  
28 established by the Director.

29 ~~(24)(33)~~ "Suitable for drinking" means a quality of water which does not contain substances in concentrations  
30 which, either singularly or in combination if ingested into the human body, may cause death, disease,  
31 behavioral abnormalities, congenital defects, genetic mutations, or result in an incremental lifetime  
32 cancer risk in excess of  $1 \times 10^{-6}$ , or render the water unacceptable due to aesthetic qualities, including  
33 taste, odor or appearance.

34 ~~(25)(34)~~ "Time of travel" means the time required for contaminants in groundwater to move a unit distance.

35 ~~(26)(35)~~ "Waste boundary" means the perimeter of the permitted waste disposal area.

1 (36) "Waste Disposal System" means, for the purpose of this rule, a disposal system permitted under authority  
2 of G.S. 143-215.1 or G.S. 130A, whose primary purpose is for the disposal of waste to or below the  
3 ground surface in accordance with the terms and conditions of the permit.

4 ~~(27)~~(37) "Water table" means the surface of the saturated zone below which all interconnected voids are  
5 filled with water and at which the pressure is atmospheric.

6  
7 *History Note: Authority G.S. 143-214.1; 143-215; 143B-282;*

8 *Eff. June 10, 1979.*

9 *Amended Eff. October 1, 1993; August 1, 1989; July 1, 1988; March 1, 1985.*

10  
11 **15A NCAC 02L .0103 POLICY**

12 (a) The ~~rules~~Rules established in this Subchapter are intended to maintain and preserve the quality of the  
13 groundwaters, prevent and abate pollution and contamination of the waters of the state, protect public health, and  
14 permit management of the groundwaters for their best ~~usage by the citizens of North Carolina~~usage. It is the policy  
15 of the Commission that the best usage of the groundwaters of the state is as a source of drinking water. These  
16 groundwaters generally are a potable source of drinking water without the necessity of significant treatment. It is the  
17 intent of ~~these the~~ Rules in this Subchapter to protect the overall high quality of North Carolina's groundwaters to the  
18 level established by the standards and to enhance and restore the quality of degraded groundwaters where feasible and  
19 necessary to protect human health and the environment, or to ensure their suitability as a future source of drinking  
20 water.

21 (b) It is the intention of the Commission to protect all groundwaters to a level of quality at least as high as that required  
22 under the ~~standards established in Rule .0202 of this Subchapter~~standards. In keeping with the policy of the  
23 Commission to protect, maintain, and enhance groundwater quality within the State of North Carolina, the  
24 Commission will not approve any waste disposal system subject to the provisions of G.S. 143-215.1 which would  
25 result ~~in~~in any of the following:

26 (1) ~~the~~The significant degradation of groundwaters which have existing quality that is better than the  
27 assigned standard, unless such degradation is found to be in the best interests of the ~~citizens of North~~  
28 ~~Carolina~~public based upon the projected economic benefits of the facility and a determination that  
29 public health will be ~~protected, or~~protected.

30 (2) ~~a~~A violation of a ~~groundwater quality~~ standard beyond a designated compliance ~~boundary,~~  
31 ~~or~~boundary as a result of the permitted activities.

32 (3) ~~the~~The impairment of existing groundwater uses or increased risk to ~~the public health or safety of~~  
33 ~~the public~~ due to the operation of a waste disposal system.

34 (c) Violations of the standards resulting from groundwater withdrawals which are in compliance with water use  
35 permits issued pursuant to G.S. 143-215.15, shall not be subject to the corrective action requirements of Rule .0106  
36 of this Subchapter.

1 (d) No person shall conduct ~~or cause to be conducted,~~ any activity which ~~causes-causes, either directly or indirectly,~~  
2 the concentration of any substance to exceed ~~that specified in Rule .0202 of this Subchapter, the Standards,~~ except as  
3 authorized by the rules of this Subchapter.

4 (e) Work that is within the scope of the practice of geology and engineering, performed pursuant to the requirements  
5 of this Subchapter, which involves site assessment, the interpretation of ~~subsurface~~-geologic conditions, preparation  
6 of ~~conceptual~~-corrective action ~~plans-plans,~~ or any work requiring detailed technical knowledge of site conditions  
7 which is submitted to the Director, shall be performed by persons, ~~firms-firms,~~ or professional corporations who are  
8 duly licensed to offer geological or engineering services by the appropriate occupational licensing board or are  
9 exempted from such licensing by G.S. 89E-6. Work which involves design of remedial systems or specialized  
10 construction techniques shall be performed by persons, ~~firms-firms,~~ or professional corporations who are duly licensed  
11 to offer engineering services. Corporations that are authorized by law to perform engineering or geological services  
12 and are exempt from the Professional Corporation Act, G.S. 55B, may perform these services.

13  
14 *History Note:* Authority G.S. 143-214; 143-214.1; 143-214.2; 143-215.3(e); 143-215.3(a)(1);  
15 143B-282;  
16 Eff. June 10, 1979;  
17 Amended Eff. August 1, 1989; July 1, 1988; September 1, 1984; December 30, 1983;  
18 RRC Objection Eff. September 17, 1993, due to lack of necessity for Paragraph (e);  
19 Amended Eff. November 4, 1993.

#### 20 21 **15A NCAC 02L .0104 RESTRICTED DESIGNATION ~~(RS)~~**

22 (a) The ~~RS designation~~Restricted designation (RS) is a land-use restriction that serves as a warning that groundwater  
23 so designated may not be suitable for use as a drinking water supply without treatment. ~~The designation is temporary~~  
24 ~~and will be removed by the Director upon a determination that the quality of the groundwater so designated has been~~  
25 ~~restored to the level of the applicable standards or when the groundwaters have been reclassified by the Commission.~~  
26 ~~The Director is authorized to designate GA or GSA groundwaters as RS under any of the following circumstances:~~  
27 (1) ~~Where, as a result of man's activities, groundwaters have been contaminated and the Director has approved~~  
28 ~~a corrective action plan, or termination of corrective action, that will not result in the immediate restoration of such~~  
29 ~~groundwaters to the standards established under this Subchapter.~~

30 (2) ~~Where a statutory variance has been granted as provided in Rule .0113 of this Subchapter.~~

31 (b) The Director is authorized to apply the RS to GA or GSA groundwaters under any of the following circumstances:

32 (1) For sites undergoing risk-based remediation per Rule .0106(h) of this Subchapter or areas of  
33 remaining contamination where the Secretary has approved the termination of an approved  
34 corrective action per Rule .0106(i) of this Subchapter.

35 (2) Where a variance has been granted by the Commission as provided in Rule .0113 of this Subchapter.

36 (b)(c) Groundwaters occurring within an area defined by a compliance boundary in a waste disposal permit are  
37 deemed to be designated RS.

1 ~~(e)(d) The boundary of a designated RS the RS area may be approximated in the absence of analytical data sufficient~~  
2 ~~to define the dimension of the area. The boundary shall be located at least 250 feet or greater away from the predicted~~  
3 ~~edgeboundary of the contaminant plume,plume and shall include any areas into which the contamination is expected~~  
4 ~~to migrate. Predictive modeling may be used to supplement site-specific sample data in characterizing the current and~~  
5 ~~predicted future extent of the plume if approved by the Division.~~

6 ~~(d) In areas designated RS, the person responsible for groundwater contamination shall establish and implement a~~  
7 ~~groundwater monitoring system sufficient to detect changes in groundwater quality within the RS designated area.~~  
8 ~~Monitoring shall be quarterly for the first year and may be reduced to semi-annually thereafter until the applicable~~  
9 ~~standards have been achieved. If during the monitoring period, contaminant concentrations increase, additional~~  
10 ~~remedial action or monitoring pursuant to these Rules may be required.~~

11 ~~(e) The applicant for an RS designation shall also provide written verification that all property owners within and~~  
12 ~~adjacent to the proposed RS area have been notified of the requested RS designation.~~

13 ~~(e) Where the RS area crosses, intercepts, or adjoins surface waters, the RS shall not give the applicant the right to~~  
14 ~~cause or contribute to an exceedance of the surface water standards established under 15A NCAC 02B .0200.~~

15 ~~(f) Application for RS. The applicant requesting a RS must provide to the Director a plan that includes the following:~~

16 ~~(1) The responsible party's name, address, phone number.~~

17 ~~(2) The physical location of the of facility.~~

18 ~~(3) A copy of the Secretary's approval for termination of corrective action or a variance granted by the~~  
19 ~~Commission as provided in Rule .0113 of this Subchapter.~~

20 ~~(4) A summary of the site assessment and corrective actions including the results of any predictive modeling~~  
21 ~~that estimates the time to return compliance for the RS area.~~

22 ~~(5) Detailed maps showing the current horizontal and vertical extent of any contamination and the areas~~  
23 ~~where the contamination is predicted or expected to migrate including the current and predicted~~  
24 ~~quantities of any contaminants and all current and potential future receptors within 1,500 feet of~~  
25 ~~contamination.~~

26 ~~(6) A map showing the proposed RS area including the county title number, county tax identification number,~~  
27 ~~or the property tax book and page identifiers of the properties included within the proposed RS area.~~

28 ~~(7) A plan for monitoring the groundwater quality within the RS area that includes the current or proposed~~  
29 ~~wells to be monitored, the frequency of the monitoring, and the constituents to be monitored.~~

30 ~~(8) If the proposed RS area extends beyond the source property's boundary, a signed statement from each~~  
31 ~~property owner agreeing to the proposed RS area on their property if required by programmatic~~  
32 ~~statute.~~

33 ~~(9) If the proposed RS area crosses, intercepts, or adjoins surface waters, a plan to ensure the surface water~~  
34 ~~standards established under 15A NCAC 02B .0200 are not violated.~~

35 ~~(10) A demonstration of financial responsibility and resources in the form of performance bonds, trust funds,~~  
36 ~~surety bonds, letters of credit, financial tests, insurance or corporate guarantees, or other forms of~~  
37 ~~financial assurances allowed by the regulatory oversight program at the site and approved by the~~

1 Director as equivalent to ensure that the groundwater quality will be restored to the standards  
2 through monitoring, active remediation, natural attenuation, or other corrective actions required by  
3 the Director.

4 (g) The Director shall review the proposed plan for consistency with the minimum requirements set forth in Paragraph  
5 (f) of this Rule and whether the proposed plan is protective of public health and the environment for receptors within  
6 the RS area and areas and receptors outside the RS area and otherwise complies with requirements of this Rule.

7 ~~(f)(h)~~ Prior to approving the proposed plan in Paragraph (h) of this Rule, The the Division shall provide public notice  
8 of the intent to designate any groundwater with RS in accordance with the following requirements: as follows:

9 (1) ~~Notice shall be published~~ Publish notice at least 30 days prior to any proposed final action in  
10 accordance with G.S. 143-215.4. ~~In addition, notice shall be provided to all property owners~~  
11 ~~identified pursuant to Paragraph (e) of this Rule and to the local County Health Director and the~~  
12 ~~chief administrative officer of the political jurisdiction(s) in which the contamination occurs.~~

13 ~~(2)~~ To all property owners identified pursuant to Paragraph (g)(8) of this Rule, to the local County  
14 Health Director, and the chief administrative officer of the political jurisdiction(s) in which the  
15 contamination occurs.

16 ~~(2)(3)~~ The notice shall contain the following information:

17 (A) ~~name,~~ Name, address, and phone number of the agency issuing the public notice;

18 ~~(B)~~ A copy of the completed plan in Paragraph (g) of this Rule.

19 ~~(B)~~ ~~the location and extent of the designated area;~~

20 ~~(C)~~ ~~the county title number, county tax identification number, or the property tax book and~~  
21 ~~page identifiers;~~

22 ~~(D)~~ ~~a brief description of the action or actions which resulted in the degradation of groundwater~~  
23 ~~in the area;~~

24 ~~(E)~~ ~~actions or intended actions taken to restore groundwater quality;~~

25 ~~(F)~~ ~~the significance of the RS designation;~~

26 ~~(G)(C)~~ ~~conditions~~ Conditions applicable to removal of the RS designation; and

27 ~~(H)(D)~~ ~~address~~ Address and phone number of a Division contact from whom interested parties  
28 may obtain further information.

29 ~~(3)(4)~~ The Director shall consider all requests for a public hearing, and if ~~he~~ they ~~determines~~ determine  
30 that there is ~~significant~~ public interest ~~he~~ they shall issue public notice and hold a public hearing in  
31 accordance with G.S 143-215.4(b) and Rule .0113(e) of this Section.

32 ~~(4)(5)~~ These requirements shall not apply to groundwaters defined in Paragraph ~~(b)(c)~~ of this Rule.

33 (i) The Director shall disapprove the plan unless it is determined that the proposal complies with requirements of this  
34 Rule. Upon making a determination, the Director shall provide specific findings to support their decision to approve  
35 or disapprove a proposed plan and may require a person who proposes a plan to supply any additional information  
36 necessary to make their determination.

1 (j) The process for recordation, application, and removal of an approved RS area shall be in accordance with G.S.  
2 143B-279.10. The land use restriction shall be that groundwater within the RS may not be suitable for drinking  
3 without treatment.

4 (k) The RS shall may also be removed if the groundwater is reclassified by the Commission per G.S. 143-214.1.

5  
6 *History Note: Authority G.S. 143-214.1; 143-215.3(a)(1); 143B-282(2); 143B-279.9; 143B-279.10;*  
7 *Eff. June 10, 1979;*  
8 *Amended Eff. October 1, 1993; December 1, 1989; August 1, 1989; December 30, 1983.*

9  
10 **15A NCAC 02L .0105 ADOPTION BY REFERENCE**

11  
12 *History Note: Authority G.S. 143-214.1;*  
13 *Eff. December 30, 1983;*  
14 *Repealed Eff. August 1, 1989.*

15  
16 **15A NCAC 02L .0106 INITIAL RESPONSE, SITE ASSESSMENT, AND CORRECTIVE ACTION**

17 (a) Where groundwater quality has been degraded, the goal of any required corrective action shall be restoration to  
18 the level of the standards, or as closely thereto as is economically and technologically feasible as determined by the  
19 Department in accordance with this Rule. The corrective action processes addressed in this Rule can be through either  
20 active remediation in Paragraph (f) or natural attenuation in Paragraph (g). Risk-based remediation is addressed under  
21 General Statute 130A Article 9 Part 8. In all cases involving requests to the ~~Secretary, as defined in 15A NCAC 02C~~  
22 ~~-0102,Secretary~~ for approval of corrective action ~~plans,plans~~ or termination of corrective action, the responsibility for  
23 providing all information required by this Rule lies with the person(s) making the request.

24 (b) Any person conducting or controlling an ~~activity-activity, permitted or unpermitted,~~ that results in the discharge  
25 of a waste or hazardous substance or oil to the groundwaters of the State, or in proximity thereto, shall take action  
26 upon discovery to terminate and control the discharge, mitigate any hazards resulting from exposure to the ~~pollutants~~  
27 contaminants, and ~~notify the Department, as defined in 15A NCAC 02C .0102, of the discharge-act according to~~  
28 Paragraph (c) or (d) of this Rule.

29 (c) Any person conducting or controlling an activity that has not been permitted by the Department pursuant to G.S.  
30 143-215.1 or G.S. 130A-294~~and~~ that results in an increase in the concentration of a substance in excess of the standard,  
31 other than agricultural ~~operations, operations (defined under G.S. 106-581.1),~~ shall:

- 32 (1) ~~within-Within~~ 24 hours of discovery of the violation, notify the Department of the activity that has  
33 resulted in the increase and the contaminant concentration ~~levels;levels, if known.~~
- 34 (2) ~~respond-Respond~~ in accordance with Paragraph ~~(f)(e)~~ of this ~~Rule;Rule.~~
- 35 (3) ~~submit a report to the Secretary assessing the cause, significance, and extent of the violation; and~~
- 36 (4) ~~implement an approved corrective action plan for restoration of groundwater quality in accordance~~  
37 ~~with a schedule established by the Secretary. In establishing a schedule, the Secretary shall consider~~  
38 ~~a schedule proposed by the person submitting the plan. A report shall be made to the Health Director~~



1 ~~of the county or counties in which the contamination occurs in accordance with the requirements of~~  
2 ~~Rule .0114(a) in this Section.~~

3 ~~(3) Implement a monitoring program in accordance with Rule .0110 of this Subchapter.~~

4 ~~(4) Submit a site assessment report to the Director in accordance with Rule .0111 of this Subchapter.~~

5 ~~(5) Submit a notification in accordance with the requirements of Rule .0114(a) of this Subchapter.~~

6 ~~(6) Submit a corrective action plan to the Director in accordance with Rule .0111 of this Subchapter for~~  
7 ~~a specific corrective action under Paragraphs (f) or (g) of this Rule or pursue risk-based remediation~~  
8 ~~per Paragraph (h) of this Rule.~~

9 ~~(7) Submit a notification in accordance with the requirements of Rule .0114(b) of this Subchapter.~~

10 ~~(8) Implement an approved corrective action plan in accordance with a schedule established by the~~  
11 ~~Secretary.~~

12 ~~(9) Submit a notification in accordance with the requirements of Rule .0114(c) of this Subchapter.~~

13 ~~Any activity not permitted pursuant to G.S. 143-215.1 or G.S. 130A-294 shall, for the purpose of this Rule, be deemed~~  
14 ~~not permitted by the Department and subject to the provisions of this Paragraph.~~

15 (d) Any person conducting or controlling an activity that is conducted under the authority of a permit ~~initially~~ issued  
16 by the Department ~~on or after December 30, 1983~~ pursuant to G.S. 143-215.1 or G.S. 130A-294 ~~and~~ that results in an  
17 increase in concentration of a substance in excess of the standards:

18 (1) at or beyond a review boundary: ~~the Director may require that~~ the person ~~shall~~ demonstrate, through  
19 predictive calculations or modeling, that natural site conditions, facility ~~design~~ design, and  
20 operational controls will prevent a violation of standards at the compliance boundary. ~~Alternately, if~~  
21 ~~an exceedance of the standards is predicted at or beyond the compliance boundary,~~ the person may  
22 submit a plan for alteration of existing site conditions, facility design, or operational controls that  
23 will prevent a violation at the compliance boundary, and implement that plan upon its approval by  
24 the Secretary.

25 (2) at or beyond a compliance ~~boundary~~ boundary or within the compliance zone as specified by Rule  
26 .0107(q) of this Subchapter; ~~the person shall respond in accordance with Paragraph (f) of this Rule,~~  
27 ~~assess the cause, significance and extent of the violation of standards and submit the results of the~~  
28 ~~investigation, and a plan and proposed schedule for corrective action to the Secretary. The permittee~~  
29 ~~shall implement the plan as approved by and in accordance with a schedule established by the~~  
30 ~~Secretary. In establishing a schedule the Secretary shall consider any schedule proposed by the~~  
31 ~~permittee, the scope of the project, the extent of contamination, and the corrective action being~~  
32 ~~proposed.~~

33 ~~(A) Within 24 hours of discovery of the initial violation, notify the Department of the activity that~~  
34 ~~has resulted in the increase, the contaminants that are in exceedance, and the contaminant~~  
35 ~~concentration levels.~~

36 ~~(B) Respond in accordance with Paragraph (e) of this Rule.~~

37 ~~(C) Implement a monitoring program in accordance with Rule .0110 of this Subchapter.~~

1 (D) Submit a site assessment report to the Director in accordance with Rule .0111 of this  
2 Subchapter.

3 (E) Submit a notification in accordance with the requirements of Rule .0114(a) of this Subchapter.

4 (F) Submit a corrective action plan to the Director in accordance with Rule .0111 of this Subchapter  
5 for a specific corrective action under Paragraphs (f) or (g) of this Rule or pursue risk-based  
6 remediation per Paragraph (h) of this Rule. The corrective action plan may include  
7 alteration of existing site conditions, facility design, or operational controls that will  
8 prevent a violation at the compliance boundary.

9 (G) Submit a notification in accordance with the requirements of Rule .0114(b) of this Subchapter.

10 (H) Implement an approved corrective action plan in accordance with a schedule established by the  
11 Secretary.

12 (I) Submit a notification in accordance with the requirements of Rule .0114(c) of this Subchapter.

13 ~~(e) Any person conducting or controlling an activity that is conducted under the authority of a permit initially issued~~  
14 ~~by the Department prior to December 30, 1983 pursuant to G.S. 143-215.1 or G.S. 130A-294, and that results in an~~  
15 ~~increase in concentration of a substance in excess of the standards at or beyond the compliance boundary specified in~~  
16 ~~the permit, shall:~~

17 ~~(1) within 24 hours of discovery of the violation, notify the Department of the activity that has resulted~~  
18 ~~in the increase and the contaminant concentration levels;~~

19 ~~(2) respond in accordance with Paragraph (f) of this Rule;~~

20 ~~(3) submit a report to the Secretary assessing the cause, significance and extent of the violation; and~~

21 ~~(4) implement an approved corrective action plan for restoration of groundwater quality at or beyond~~  
22 ~~the compliance boundary, in accordance with a schedule established by the Secretary. In establishing~~  
23 ~~a schedule the Secretary shall consider any schedule proposed by the person submitting the plan. A~~  
24 ~~report shall be made to the Health Director of the county or counties where the contamination occurs~~  
25 ~~in accordance with the requirements of Rule .0114(a) in this Section.~~

26 ~~(f)(e)~~ Initial response required to be conducted prior to or concurrent with the assessment required in Paragraphs ~~(e),~~  
27 ~~(d), or (e)-(c) and (d)~~ of this Rule shall include:

28 (1) Prevention of fire, explosion, or the spread of noxious ~~fumes;~~fumes.

29 (2) Abatement, containment, or control of the migration of ~~eontaminants;~~contaminants.

30 (3) Removal, treatment, or control of any primary pollution source such as buried waste, waste  
31 stockpiles, or surficial accumulations of free ~~products;~~products.

32 (4) Removal, treatment, or control of secondary pollution sources that would be potential continuing  
33 sources of pollutants to the groundwaters, such as contaminated soils and non-aqueous phase liquids.  
34 Contaminated soils that threaten the quality of groundwaters shall be treated, contained, or disposed  
35 of in accordance with rules in this Chapter and in 15A NCAC 13 applicable to such activities. The  
36 treatment or disposal of contaminated soils shall be conducted in a manner that will not result in a

1 violation of the standards or ~~North Carolina Hazardous Waste Management rules~~ other applicable  
2 rules.

3 ~~(g) The site assessment conducted pursuant to the requirements of Paragraphs (c), (d), or (e) of this Rule, shall include:~~

4 ~~(1) The source and cause of contamination;~~

5 ~~(2) Any imminent hazards to public health and safety, as defined in G.S. 130A-2, and any actions taken~~  
6 ~~to mitigate them in accordance with Paragraph (f) of this Rule;~~

7 ~~(3) All receptors and significant exposure pathways;~~

8 ~~(4) The horizontal and vertical extent of soil and groundwater contamination and all significant factors~~  
9 ~~affecting contaminant transport; and~~

10 ~~(5) Geological and hydrogeological features influencing the movement, chemical, and physical~~  
11 ~~character of the contaminants.~~

12 ~~Reports of site assessments shall be submitted to the Department as soon as practicable or in accordance with a~~  
13 ~~schedule established by the Secretary. In establishing a schedule the Secretary shall consider a proposal by the person~~  
14 ~~submitting the report.~~

15 ~~(h) Corrective action plans for restoration of groundwater quality, submitted pursuant to Paragraphs (c), (d), and (e)~~  
16 ~~of this Rule shall include:~~

17 ~~(1) A description of the proposed corrective action and reasons for its selection;~~

18 ~~(2) Specific plans, including engineering details where applicable, for restoring groundwater quality;~~

19 ~~(3) A schedule for the implementation and operation of the proposed plan; and~~

20 ~~(4) A monitoring plan for evaluating the effectiveness of the proposed corrective action and the~~  
21 ~~movement of the contaminant plume.~~

22 ~~(i) In the evaluation of corrective action plans, the Secretary shall consider the extent of any violations, the extent of~~  
23 ~~any threat to human health or safety, the extent of damage or potential adverse impact to the environment, technology~~  
24 ~~available to accomplish restoration, the potential for degradation of the contaminants in the environment, the time and~~  
25 ~~costs estimated to achieve groundwater quality restoration, and the public and economic benefits to be derived from~~  
26 ~~groundwater quality restoration.~~

27 ~~(j)(f) Corrective action using active remediation. A corrective action plan prepared pursuant to Paragraphs (c), (d),~~  
28 ~~or (e)(c) and (d) of this Rule shall be implemented using a remedial technology demonstrated to provide the most~~  
29 ~~effective means, taking into consideration geological and hydrogeological conditions at the contaminated site, for~~  
30 ~~restoration of groundwater quality to the level of the standards. Corrective action plans prepared pursuant to~~  
31 ~~Paragraphs (c) or (e)(d) of this Rule may request an exception as provided in Paragraphs (k), (l), (m), (r), and (s) (i),~~  
32 ~~(k), and (l) of this Rule.~~

33 ~~(k) Any person required to implement an approved corrective action plan for a site subject to Paragraphs (c) or (e) of~~  
34 ~~this Rule may request that the Secretary approve such a plan without requiring groundwater remediation to the~~  
35 ~~standards. A request submitted to the Secretary under this Paragraph shall include a description of site-specific~~  
36 ~~conditions, including information on the availability of public water supplies for the affected area; the technical basis~~

1 for the request; and any other information requested by the Secretary to evaluate the request in accordance with  
2 Subparagraphs (1) through (7) of this Paragraph. The person making the request shall demonstrate:

3 (1) ~~that all sources of contamination and free product have been removed or controlled pursuant to~~  
4 ~~Paragraph (f) of this Rule;~~

5 (2) ~~that the time and direction of contaminant travel can be predicted with reasonable certainty;~~

6 (3) ~~that contaminants have not and will not migrate onto adjacent properties, or that:~~

7 (A) ~~such properties are served by an existing public water supply system dependent on surface~~  
8 ~~waters or hydraulically isolated groundwater; or~~

9 (B) ~~the owners of such properties have consented in writing to the request;~~

10 (4) ~~that the standards specified in Rule .0202 of this Subchapter will be met at a location no closer than~~  
11 ~~one year time of travel upgradient of an existing or foreseeable receptor, based on travel time and~~  
12 ~~the natural attenuation capacity of subsurface materials or on a physical barrier to groundwater~~  
13 ~~migration that exists or will be installed by the person making the request;~~

14 (5) ~~that, if the contaminant plume is expected to intercept surface waters, the groundwater discharge~~  
15 ~~will not possess contaminant concentrations that would result in violations of standards for surface~~  
16 ~~waters contained in 15A NCAC 02B .0200;~~

17 (6) ~~that public notice of the request has been provided in accordance with Rule .0114(b) of this Section;~~  
18 ~~and~~

19 (7) ~~that the proposed corrective action plan would be consistent with all other environmental laws.~~

20 ~~(f)(g)~~ Corrective action using natural attenuation. Any person required to implement an approved corrective action  
21 plan for a site subject to Paragraphs (c) or ~~(e)~~(d) of this Rule may request that the Secretary approve such a plan based  
22 upon natural processes of degradation and attenuation of contaminants. ~~A request submitted to the Secretary under~~  
23 ~~this Paragraph shall include a description of site specific conditions, including written documentation of projected~~  
24 ~~groundwater use in the contaminated area based on current state or local government planning efforts; the technical~~  
25 ~~basis for the request; and any other information requested by the Secretary to evaluate the request in accordance with~~  
26 ~~Subparagraphs (1) through (10) of this Paragraph. The person making the request shall demonstrate: In addition to~~  
27 ~~the information required under Rule .0111(c) of this Subchapter, the corrective action plan shall also provide a~~  
28 ~~demonstration of the following:~~

29 (1) ~~that all~~All sources of contamination and free product have been removed or controlled pursuant to  
30 ~~Paragraph (f)(e) of this Rule;~~Rule.

31 (2) ~~that the~~The contaminant has the capacity to degrade or attenuate under the site-specific  
32 ~~conditions;~~conditions.

33 (3) ~~that the~~The time and direction of contaminant travel can be predicted based on subsurface conditions  
34 and the contaminant's physical and chemical ~~properties;~~properties.

35 (4) ~~that contaminant~~Contaminant migration will not result in any violation of applicable ~~groundwater~~  
36 ~~standards at any existing or foreseeable potential receptor;~~receptor.

37 (5) ~~that contaminants~~Contaminants have not and will not migrate onto adjacent properties, or that:

- 1 (A) such properties are served by an existing public water supply system dependent on surface  
2 waters or hydraulically isolated groundwater; or
- 3 (B) the owners of such properties have consented in writing to the ~~request;~~request.
- 4 (6) ~~that, if~~ the contaminant plume is expected to intercept surface waters, the groundwater discharge  
5 will not possess contaminant concentrations that would result in violations of ~~standards for the~~  
6 ~~surface waters contained in~~ water standards established under 15A NCAC 02B .0200;.0200.
- 7 (7) ~~that the~~The person making the request will put in place a groundwater monitoring program ~~that,~~  
8 ~~based on subsurface conditions and the physical and chemical properties of the contaminant, will~~  
9 ~~accurately track the degradation and attenuation of contaminants and contaminant by products~~  
10 ~~within and down gradient of the plume and to detect contaminants and contaminant by products~~  
11 ~~prior to their reaching any existing or foreseeable receptor at least one year's time of travel~~  
12 ~~upgradient of the receptor and no greater than the distance the groundwater at the contaminated site~~  
13 ~~is predicted to travel in five years;~~in conformance with Rule .0110 of this Subchapter.
- 14 (8) ~~that all~~All necessary access agreements needed to monitor groundwater quality ~~pursuant to~~  
15 ~~Subparagraph (7) of this Paragraph~~ have been or can be ~~obtained;~~obtained.
- 16 (9) ~~that public~~Public notice of the request has been provided in accordance with Rule .0114(b) of this  
17 ~~Section; and~~Subchapter.
- 18 (10) ~~that the~~The proposed corrective action plan would be consistent with all other environmental laws.
- 19 (h) Corrective action using risk-based remediation. An applicant choosing to use risk-based remediation shall refer  
20 to General Statute 130A Article 9 Part 8 to determine if this remedial strategy is appropriate.
- 21 ~~(m)(i)~~ Termination of active remediation prior to achieving the standards. The Department or any person required to  
22 implement an approved corrective action plan for a site subject to ~~Paragraphs (e) or (e)~~Paragraph (f) of this Rule may  
23 request that the Secretary approve termination of ~~corrective action.~~the active remediation. The owner and operator of  
24 an active remediation system shall demonstrate that, by terminating the active remediation and then implementing an  
25 approved natural attenuation corrective action under Paragraph (g) of this Rule, all potential receptors will be  
26 protected.
- 27 (1) A request submitted to the Secretary under this Paragraph shall include:
- 28 (A) ~~a~~A discussion of the duration of the corrective action, the total project cost, projected  
29 annual cost for ~~continuance~~continuance, and evaluation of the success of the corrective  
30 ~~action;~~action.
- 31 (B) ~~an~~An evaluation of alternate treatment technologies that could potentially result in further  
32 reduction of contaminant levels, projected capital, and annual operating costs for each  
33 ~~technology; and~~technology.
- 34 (C) ~~the~~The effects, including public health and safety impacts, on groundwater users if  
35 contaminant levels remain at levels existing at the time corrective action is terminated.
- 36 (D) The proposed contaminant concentrations to actively remediate to in the source area and  
37 all predictive calculations and model runs demonstrating that the standards will be met at

1 all existing or potential receptors, based on travel time and the natural attenuation capacity  
2 of subsurface materials or on a barrier to groundwater migration that exists or will be  
3 installed by the person making the request.

4 (E) A demonstration that continuation of active remediation would not result in a significant  
5 reduction in the concentration of contaminants. This demonstration shall show the duration  
6 and degree of success of existing remedial efforts to attain the standards. For the purpose  
7 of this Part, a "significant reduction" is demonstrated by showing that the asymptotic slope  
8 of the contaminant concentrations over time is less than a ratio of 1:40 over a term of one  
9 year based on quarterly sampling (four consecutive quarters with sampling events spaced  
10 at least 3 months apart).

11 (F) A natural attenuation corrective action plan for the remaining contamination in accordance  
12 with Paragraph (g) of this Rule.

13 ~~(2)~~ ~~In addition, the person making the request shall demonstrate:~~

14 ~~(A) that continuation of corrective action would not result in a significant reduction in the~~  
15 ~~concentration of contaminants. This demonstration shall show the duration and degree of~~  
16 ~~success of existing remedial efforts to attain standards. For the purpose of this Part, a~~  
17 ~~"significant reduction" is demonstrated by showing that the asymptotic slope of the~~  
18 ~~contaminants curve of decontamination is less than a ratio of 1:40 over a term of one year~~  
19 ~~based on quarterly sampling;~~

20 ~~(B) that contaminants have not and will not migrate onto adjacent properties, or that:~~

21 ~~(i) such properties are served by an existing public water supply system dependent~~  
22 ~~on surface waters or hydraulically isolated groundwater; or~~

23 ~~(ii) the owners of such properties have consented in writing to the request;~~

24 ~~(C) that, if the contaminant plumes are expected to intercept surface waters, the groundwater~~  
25 ~~discharge will not possess contaminant concentrations that would result in violations of~~  
26 ~~standards for surface waters contained in 15A NCAC 02B .0200;~~

27 ~~(D) that public notice of the request has been provided in accordance with Rule .0114(b) of this~~  
28 ~~Section; and~~

29 ~~(E) that the proposed termination would be consistent with all other environmental laws.~~

30 ~~(3)(2)~~ The Secretary shall not authorize termination of active remediation ~~corrective action~~ for any area  
31 that, at the time the request is made, has been identified by a state or local groundwater use planning  
32 process for resource development.

33 ~~(4)(3)~~ The Secretary may authorize the termination of active remediation, ~~corrective action~~, or amend the  
34 corrective action plan after considering all the information in the request. In making the  
35 authorization, the Secretary shall consider site conditions, the nature and extent of the  
36 contamination, cost, and public health and safety impacts on all existing and ~~foreseeable potential~~  
37 receptors and the impacts the contaminated plume may have if it reaches them. The Secretary will

1 ~~review the request for completeness and may request any additional information necessary to make~~  
2 ~~their authorization. Upon termination of corrective action, the Secretary shall require~~  
3 ~~implementation of a groundwater monitoring program that, based on subsurface conditions and the~~  
4 ~~physical and chemical properties of the contaminants, will accurately track the degradation and~~  
5 ~~attenuation of contaminants at a location of no less than one year's predicted time of travel~~  
6 ~~upgradient of any existing or foreseeable receptor. The monitoring program shall remain in effect~~  
7 ~~until there is sufficient evidence that the contaminant concentrations have been reduced to the level~~  
8 ~~of the standards. For the purpose of this Part, "sufficient evidence" means that sampling and~~  
9 ~~analyses demonstrate that contaminant concentrations have been reduced to the level of the~~  
10 ~~standards on multiple sampling events.~~

11 ~~(j) In the evaluation of corrective action plans, the Secretary shall consider the extent of any violations, the extent of~~  
12 ~~any threat to human health, the extent of damage or potential adverse impact to the environment, technology available~~  
13 ~~to accomplish restoration, the potential for degradation of the contaminants in the environment, the time and costs~~  
14 ~~estimated to achieve groundwater quality restoration, and the public and economic benefits to be derived from~~  
15 ~~groundwater quality restoration.~~

16 ~~(n)(k) Upon a determination by the Secretary that~~Where continued corrective action would result in no significant  
17 reduction in contaminant concentrations, ~~as determined in Part (i)(1)(E) of this Rule, and the contaminated~~  
18 ~~groundwaters can be rendered potable by treatment using technologies that are in use in other applications and shown~~  
19 ~~to be effective for removal of contaminants, the responsible party may request that the Secretary may designate the~~  
20 ~~remaining area of degraded groundwater RS. Where the remaining degraded groundwaters cannot be made potable~~  
21 ~~by such treatment, the~~ The Secretary-Commission may also consider a request for reclassification of the groundwater  
22 to a GC classification as outlined in Rule ~~.0201.0319~~ of this Subchapter.

23 ~~(o)(l) If at any time the Secretary determines that a new technology is available that would remediate the contaminated~~  
24 ~~groundwater to the standards specified in Rule .0202 of this Subchapter, standards,~~ the Secretary may require the  
25 responsible party to evaluate the economic and technological feasibility of implementing the new technology in an  
26 active ~~groundwater remediation~~ corrective action plan in accordance with a schedule established by the Secretary.  
27 The Secretary's determination to utilize new technology at any site or for any particular constituent shall include a  
28 consideration of the factors in ~~Paragraph (h) of this Rule. Rule .0111(c) of this Subchapter.~~

29 ~~(p)(m) Where the~~ standards are exceeded as a result of the application of pesticides or other agricultural chemicals,  
30 the Secretary shall request the Pesticide Board or the Department of Agriculture and Consumer Services to assist the  
31 Department in determining the cause of the violation. If the violation is determined to have resulted from the use of  
32 pesticides, the Secretary shall request the Pesticide Board to take appropriate regulatory action to control the use of  
33 the chemical or chemicals responsible for, or contributing to, such violations, or to discontinue their use.

34 ~~(q) The approval pursuant to this Rule of any corrective action plan, or modification or termination thereof, that~~  
35 ~~permits the migration of a contaminant onto adjacent property, shall not affect any private right of action by any party~~  
36 ~~that may be affected by that contamination.~~

1 ~~(n)~~ If a discharge or release is not governed by the rules in Section .0400 of this Subchapter and the increase in the  
2 concentration of a substance in excess of the standard resulted in whole or in part from a release from a commercial  
3 or noncommercial underground storage tank as defined in G.S. 143-215.94A, any person required to implement an  
4 approved corrective action plan pursuant to this Rule and seeking reimbursement for the Commercial or  
5 Noncommercial Leaking Petroleum Underground Storage Tank Cleanup Funds shall implement a corrective action  
6 plan meeting the requirements of Paragraph ~~(k)~~ ~~or~~ ~~(f)~~ ~~or~~ ~~(g)~~ of this Rule unless the person demonstrates to the  
7 Secretary that:

- 8 (1) contamination resulting from the discharge cannot qualify for approval of a plan based on the  
9 requirements of the Paragraphs; or
- 10 (2) the cost of making such a demonstration would exceed the cost of implementing a corrective action  
11 plan submitted pursuant to ~~Paragraph (e) of this Rule.~~ Rule .0111(c) of this Subchapter.

12 ~~(o)~~ If a discharge or release is not governed by the rules in Section .0400 of this Subchapter and the increase in the  
13 concentration of a substance in excess of the standard resulted in whole or in part from a release from a commercial  
14 or noncommercial underground storage tank as defined in G.S. 143-215.94A, the Secretary may require any person  
15 implementing or operating a previously approved corrective action plan pursuant to this Rule to:

- 16 (1) develop and implement a corrective action plan meeting the requirements of Paragraphs ~~(k)~~ ~~and~~  
17 ~~(f)~~ ~~and~~ ~~(g)~~ of this Rule; or
- 18 (2) seek discontinuance of corrective action pursuant to Paragraph ~~(m)~~ ~~(i)~~ of this Rule.

19 ~~(p) The approval pursuant to this Rule of any corrective action plan, modification, or termination thereof, that permits~~  
20 ~~the migration of a contaminant onto adjacent property, shall not affect any private right of action by any party that~~  
21 ~~may be affected by that contaminant.~~

22  
23 *History Note: Authority G.S. 143-215.1; 143-215.3; 143-215.94A; 143-215.94T; 143-215.94V; 143B-282;*  
24 *1995 (Reg. Sess. 1996) c. 648, s. 1;*  
25 *Eff. August 1, 1989;*  
26 *Amended Eff. October 1, 1993; September 1, 1992;*  
27 *Temporary Amendment Eff. January 2, 1998; January 2, 1996;*  
28 *Amended Eff. July 1, 2016; October 29, 1998.*

### 30 **15A NCAC 02L .0107 COMPLIANCE BOUNDARY**

- 31 (a) For waste disposal systems individually permitted prior to December 30, 1983, the compliance boundary is  
32 established at a horizontal distance of 500 feet from the waste boundary or at the property boundary, whichever is  
33 closer to the source.
- 34 (b) For waste disposal systems individually permitted on or after December 30, 1983, a compliance boundary shall  
35 be established at a horizontal distance of 250 feet from the waste boundary, or 50 feet within the property boundary,  
36 whichever point is closer to the source.



1 (c) The compliance boundary shall be established by the Director, or his designee at the time of permit issuance.  
2 remain in place for the duration of the permit. Any sale or transfer of property which affects a compliance boundary  
3 shall be reported immediately to the Director, or his designee. For disposal systems which are not governed by  
4 Paragraphs (e) or (f) of this Rule, the compliance boundary affected by the sale or transfer of property will be  
5 re-established consistent with Paragraphs (a) or (b) of this Rule, whichever is applicable.

6 (d) Except as provided in Paragraph (g) of this Rule, no water supply wells shall be constructed or operated within  
7 the compliance boundary of a disposal system individually permitted or re-permitted after January 1, 1993.

8 (d) The compliance boundary and zone shall extend vertically from the surface through the water table to the  
9 maximum depth of saturation.

10 (e) Where the compliance zone crosses, intercepts, or adjoins surface waters, the permitted activity shall not cause or  
11 contribute to an exceedance of the surface water standards established under 15A NCAC 02B .0200. In this case, the  
12 term surface waters shall not include any portion of the permitted treatment works.

13 (f) Multiple contiguous properties under common ownership and permitted for use as a waste disposal area shall be  
14 treated as a single property with regard to determination of a compliance zone and setbacks to property lines as per  
15 Paragraphs (a) or (b) of this Rule.

16 (g) Where compliance zones for separately permitted waste disposal areas under the same owner on the same property  
17 intersect, the Director shall combine the compliance zones into one single compliance zone with a single compliance  
18 boundary.

19 (h) The permittee shall establish a monitoring program within the compliance zone per the requirements in Rule .0110  
20 of this Subchapter.

21 (i) Except as provided in Paragraph (m) of this Rule, no water supply wells shall be constructed within the compliance  
22 zone of a waste disposal system individually permitted after January 1, 1993. Water supply wells constructed within  
23 the compliance zone of a waste disposal system individually permitted prior to January 1, 1993, shall be monitored at  
24 a frequency determined by the Director to ensure that the aquifer being used for water supply is not impacted by the  
25 permitted activities. If the water supply well is or becomes impacted by the permitted activities, the well shall be  
26 equipped with a treatment system approved by the Director that is capable of treating the water to the level of the  
27 standards, or abandoned.

28 ~~(e)~~(j) Except as provided in Paragraph ~~(g)~~(m) of this Rule, a permittee shall not transfer land within an established  
29 compliance ~~boundary~~ zone of a waste disposal system permitted ~~or re-permitted~~ after January 1, 1993 unless:

30 (1) ~~the~~ The land transferred is serviced by a community water system as ~~defined in~~ regulated under 15A  
31 NCAC 18C, the source of which is located outside the compliance boundary; and

32 (2) the deed transferring the property:

33 (A) contains notice of the permit, including the permit number, a description of the type of  
34 permit, and the name, address and telephone number of the permitting agency; and

35 (B) contains a restrictive covenant running with the land and in favor of the permittee and the  
36 State, as a third party beneficiary, which prohibits the construction and operation of water  
37 supply wells within the compliance ~~boundary;~~ zone; and

1 (C) contains a restrictive covenant running with the land and in favor of the permittee and the  
2 State, as a third party beneficiary, which grants the right to the permittee and the State to  
3 enter on such property within the compliance ~~boundary-zone~~ for groundwater monitoring  
4 and remediation purposes.

5 ~~(f)(k)~~ Except as provided in Paragraph ~~(g)(m)~~ of this Rule, if at the time a permit is issued ~~or reissued~~ after January  
6 1, 1993, the permittee is not the owner of the land within the compliance ~~boundary-zone~~, it shall be a condition of the  
7 permit issued or renewed that the landowner of the land within the compliance ~~boundary-zone~~, if other than the  
8 permittee, execute and file in the Register of Deeds in the county in which the land is located, an easement running  
9 with the land which:

10 (1) contains:

11 (A) either a notice of the permit, including the permit number, a description of the type of  
12 permit, and the name, address and telephone number of the permitting agency; or

13 (B) a reference to a notice of the permit with book and page number of its recordation if such  
14 notice is required to be filed by statute;

15 (2) prohibits the construction and operation of water supply wells within the compliance  
16 ~~boundary-zone~~; and

17 (3) reserves the right to the permittee and the State to enter on such property within the compliance  
18 ~~boundary-zone~~ for groundwater monitoring and remediation purposes. The easement may be  
19 terminated by the Director when its purpose has been fulfilled or the need for the easement no longer  
20 exists. Under those conditions the Director shall, upon request by the landowner, file a document  
21 terminating the easement with the appropriate Register of Deeds.

22 ~~(l) Any sale or transfer of property which affects a compliance boundary shall be reported to the Director within one~~  
23 ~~week of the final sale or transfer. For waste disposal systems which are not governed by Paragraphs (j) or (k) of this~~  
24 ~~Rule, the compliance boundary affected by the sale or transfer of property will be reestablished consistent with this~~  
25 ~~Rule.~~

26 ~~(g)(m) The requirements of Paragraphs (d), (e) and (f) of this Rule are not applicable to~~ For ground adsorption ~~sewage~~  
27 treatment ~~and disposal~~ systems serving four or fewer single family dwellings or multiunit dwellings of four or fewer  
28 ~~units. units regulated under 15A NCAC 02T .0600, the requirements of Paragraphs (j) and (k) of this Rule shall not be~~  
29 ~~applicable.~~

30 ~~(h) The boundary shall form a vertical plane extending from the water table to the maximum depth of saturation.~~

31 ~~(i)(n)~~ For ground absorption sewage treatment and disposal systems which are ~~permitted-regulated~~ under 15A NCAC  
32 ~~02T .0600, 18A-1900~~, the compliance boundary shall be established at the property boundary.

33 ~~(j)(o)~~ Penalties authorized pursuant to G.S. 143-215.6A(a)(1) will not be assessed for violations of ~~the~~ standards  
34 within a compliance ~~boundary-zone~~ unless the violations are the result of violations of permit conditions or negligence  
35 in the management of the facility.

36 ~~(k) The Director shall require:~~

1 ~~(1) that permits for all activities governed by G.S. 143-215.1 be written to protect the quality of~~  
2 ~~groundwater established by applicable standards, at the compliance boundary;~~

3 ~~(2) that necessary groundwater quality monitoring shall be conducted within the compliance boundary;~~  
4 ~~and~~

5 ~~(3) that a violation of standards within the compliance boundary resulting from activities conducted by~~  
6 ~~the permitted facility be remedied through clean-up, recovery, containment, or other response when~~  
7 ~~any of the following conditions occur:~~

8 ~~(A) a violation of any standard in adjoining classified groundwaters occurs or can be reasonably~~  
9 ~~predicted to occur considering hydrogeologic conditions, modeling, or other available~~  
10 ~~evidence;~~

11 ~~(B) an imminent hazard or threat to the public health or safety exists; or~~

12 ~~(C) a violation of any standard in groundwater occurring in the bedrock other than limestones~~  
13 ~~found in the Coastal Plain sediments, unless it can be demonstrated that the violation will~~  
14 ~~not adversely affect, or have the potential to adversely affect a water supply well.~~

15 (p) The Director shall require that permits for all activities governed by G.S. 143-215.1 be written in such a way to  
16 protect the waters of the state.

17 (q) The Director may require that violations of the standards within the compliance zone be addressed per Rule  
18 .0106(d) of this Subchapter if any of the following occur:

19 (1) A violation of the standards occurs or is predicted to occur in groundwater at or beyond the  
20 compliance boundary as a result of the permitted activities.

21 (2) A violation of the surface water standards established under 15A NCAC 02B .0200 occurs or is  
22 predicted to occur as a result of the permitted activities.

23 (3) An imminent hazard or threat to public health exists.

24 (4) A violation of the standards occurs in bedrock within the compliance boundary as a result of the  
25 permitted activities unless it can be demonstrated that the violation will not adversely affect any  
26 receptor.

27  
28 *History Note: Authority G.S. ~~143-215.1(b); 143-215.1~~; 143-215.3(a)(1); 143B-282;*

29 *Eff. August 1, 1989;*

30 *Amended Eff. October 1, 1993; November 2, 1992.*

31  
32 **15A NCAC 02L .0108 REVIEW BOUNDARY**

33 A review boundary is established around any waste disposal system midway between the compliance boundary and  
34 the waste boundary. When the concentration of any substance equals or exceeds the standard at the review boundary  
35 as determined by monitoring, the permittee ~~shall~~ may be required to take action in accordance with the provisions of  
36 Rule ~~.0106(e)(2)(A)~~ .0106(d)(1) of this Subchapter.

37  
38 *History Note: Authority G.S. 143-215.1(b); 143-215.3(a)(1); 143B-282;*

1 *Eff. August 1, 1989.*

2  
3 **15A NCAC 02L .0109 DELEGATION**

4 (a) The Director is delegated the authority to enter into consent special orders under G.S. 143-215.2 for violations of  
5 the standards except when a public meeting is required as provided in 15A NCAC 02H .1203.

6 (b) The Director is delegated the authority to prepare a proposed special order to be issued by the Commission without  
7 the consent of the person affected and to notify the affected person of that proposed order and of the procedure set out  
8 in G.S. 150B-23 to contest the proposed special order.

9 (c) The ~~Director, or his designee~~Director shall give public notice of proposed consent special orders as specified in  
10 15A NCAC 2H .1203.

11  
12 *History Note: Authority G.S. 143-215.2; 143-215.3(a)(1); 143-215.3(a)(4);*  
13 *Eff. August 1, 1989;*  
14 *Amended Eff. October 1, 1993; October 1, 1990.*

15  
16 **15A NCAC 02L .0110 MONITORING**

17 (a) Except where exempted by statute or this Subchapter, the Director may require any person who causes, ~~permits~~  
18 permits, or has control over any discharge of waste, or ~~groundwater~~-cleanup program, ~~shall install and to~~ implement  
19 a monitoring program system, at such locations, and in such ~~detail, detail~~ as ~~the Director, or his designee may require~~  
20 required to evaluate the effects of the discharge upon the environment or waters of the state, including the effect of  
21 any actions taken to restore groundwater quality, as well as the efficiency of any treatment facility. ~~The monitoring~~  
22 ~~plan shall be prepared under the responsible charge of a Professional Engineer or Licensed Geologist and bear the seal~~  
23 ~~of the same.~~

24 (b) Monitoring systems shall be constructed and operated in a manner that will not result in the contamination of  
25 ~~adjacent groundwaters of a higher quality.~~ groundwaters or surface waters.

26 (c) The Director may require modification of a monitoring program or system or require additional monitoring of a  
27 contaminant or constituent of interest if it is determined to be in the best interest to public health and the environment.

28 (d) Monitoring systems shall be able to:

29 (1) Track the migration, degradation, and attenuation of contaminants and contaminant by-products  
30 from a source area or within and down gradient of a contaminant plume.

31 (2) Detect contaminants and contaminant by-products prior to their reaching any existing or potential  
32 receptor.

33 (3) Detect if a groundwater contaminant plume is causing or contributing to exceedances of the surface  
34 water standards established under 15A NCAC 02B .0200.

35 ~~(e)~~(e) Monitoring shall be conducted and results reported in a manner and at a frequency specified by the ~~Director,~~  
36 ~~or his designee.~~Director.

37 (f) Monitoring programs shall remain in effect until it is demonstrated that the contaminant concentrations resulting  
38 from site activities have been reduced to a level at or below the standards for a minimum of four consecutive quarters

1 with monitoring events spaced at least 3 months apart. The Director may require an extension of monitoring if the  
2 Director determines that concentrations are fluctuating at or near the standards or the data trends suggest that  
3 concentrations may be increasing. Once the Director is satisfied that the standards have been met and that corrective  
4 action is no longer necessary to ensure compliance with the Rules of this Subchapter, the Director shall furnish a letter  
5 to the responsible party stating that no further action is required.

6  
7 *History Note: Authority G.S. 143-215.1(b); 143-215.3(a)(1); 143-215.65; 143-215.66; 143B-282;*  
8 *Eff. August 1, 1989;*  
9 *Amended Eff. October 1, 1993.*

10  
11 **15A NCAC 02L .0111 REPORTS**

12 (a) Any person subject to the requirements ~~for corrective action specified~~ in Rule .0106 of this ~~Section Subchapter~~  
13 shall submit to the Director, in such detail as the Director may require, ~~a written report that describes plans or reports~~  
14 including those associated with initial response, site assessment, and corrective action. Reports shall be submitted as  
15 soon as practicable or in accordance with a schedule established by the Director. In establishing a schedule, the  
16 Director shall consider a proposal by the person submitting the plan or report.

- 17 (1) ~~the results of the investigation specified in Paragraphs (c) and (d) of Rule .0106 of this Section,~~  
18 ~~including but not limited to:~~  
19 (A) ~~a description of the sampling procedures followed and methods of chemical analyses used;~~  
20 ~~and~~  
21 (B) ~~all technical data utilized in support of any conclusions drawn or determinations made.~~  
22 (2) ~~the results of the predictive calculations or modeling, including a copy of the calculations or model~~  
23 ~~runs and all supporting technical data, used in the demonstration required in Paragraph (d) of Rule~~  
24 ~~.0106 of this Section; and~~  
25 (3) ~~the proposed methodology and timetable associated with the corrective action for those situations~~  
26 ~~identified in Paragraphs (c) and (d) of Rule .0106 of this Section.~~

27 (b) A site assessment conducted pursuant to the requirements of Paragraphs (c) or (d) in Rule .0106 of this Subchapter  
28 shall include:

- 29 (1) A description of the site including current and historical operations at the facility and all current and  
30 historical waste streams.  
31 (2) The source and cause of contamination.  
32 (3) Any imminent hazards to public health and any actions taken to mitigate them.  
33 (4) All potential receptors and expected exposure pathways.  
34 (5) The horizontal and vertical extent of soil contamination.  
35 (6) The current horizontal and vertical extent of groundwater contamination and all significant factors  
36 affecting contaminant transport.  
37 (7) Background threshold values for all contaminants and constituents of interest. Background  
38 threshold values shall:

- 1                   (A) Be established using a statistical methodology approved by the Director.
- 2                   (B) Be used as standards in accordance with Rule .0202 of this Subchapter where applicable.
- 3                   (C) Be reviewed on a schedule determined by the Director.
- 4                   (8) Geological and hydrogeological features influencing the movement, chemical, and physical  
5                   character of the contaminants.
- 6                   (9) The nature and extent of any surface water or sediment contamination resulting from interactions  
7                   with contaminated soil or groundwater.
- 8                   (10) A description of the sampling procedures followed, and methods of chemical analyses used.
- 9                   (11) All technical data utilized in support of any interpretations, conclusions, or determinations made.
- 10                  (12) The results of predictive calculations or modeling, including a copy of the calculations or model  
11                  runs and all supporting technical data.
- 12                  (c) Corrective action plans submitted pursuant to Paragraphs (c) and (d) in Rule .0106 of this Subchapter shall include:
- 13                  (1) A summary of the results of the site assessment submitted in accordance with Paragraph (b) of this  
14                  Rule.
- 15                  (2) The technical basis for the requested corrective action.
- 16                  (3) An evaluation of risk to receptors.
- 17                  (4) An evaluation of projected groundwater use within 1,500 feet of the predicted impacted area based  
18                  on current state or local government planning efforts.
- 19                  (5) An evaluation of potential remedial strategies that includes:
- 20                  (A) A summary of the available technology that could be used as a potential remedial strategy  
21                  based on the specific site conditions and nature and extent of the contamination.
- 22                  (B) For each potential remedial strategy, the predicted time to return to compliance with the  
23                  standards including the results of predictive calculations or modeling, including a copy of  
24                  the calculations or model runs and all supporting technical data.
- 25                  (C) The estimated costs to implement each strategy.
- 26                  (6) For the remedial strategy that the responsible party proposes to implement,
- 27                  (A) The rationale for selecting the proposed corrective action.
- 28                  (B) Plans and specifications, including engineering details.
- 29                  (C) A schedule for the implementation and operation.
- 30                  (D) A monitoring plan that evaluates the effectiveness of the remedial strategy that includes  
31                  the predicted movement of the contaminant plume.
- 32                  (7) A demonstration of financial responsibility and resources in the form of performance bonds, trust  
33                  funds, surety bonds, letters of credit, financial tests, insurance or corporate guarantees, or other  
34                  forms of financial assurances allowed by the regulatory oversight program at the site and approved  
35                  by the Director as equivalent to ensure that the groundwater quality will be restored to the standards  
36                  through monitoring, active remediation, natural attenuation, or other corrective actions required by  
37                  the Director.

1 ~~(b)(d) The report~~All reports and plans shall be prepared under the responsible charge of a Professional Engineer,  
2 Licensed Soil Scientist, or Licensed Geologist and bear the seal of the ~~same as specified in Rule .0106(d) of this~~  
3 ~~Section same under the purview of their specific discipline as required under G.S. 89C, G.S. 89E, or G.S. 89F.~~

4  
5 *History Note: Authority G.S. 143-215.1(b); 143-215.3(a)(1); 143-215.65; 143B-282;*  
6 *Eff. August 1, 1989;*  
7 *Amended Eff. October 1, 1993.*

## 8 9 **15A NCAC 02L .0112 ANALYTICAL PROCEDURES**

10 (a) Tests or analytical procedures to determine compliance or noncompliance with the standards established in Rule  
11 .0202 of this Subchapter will be in accordance with:

12 (1) The ~~most sensitive of the~~ following methods or procedures for substances where the standard is at  
13 or above the method detection limit or lower limit of quantitation value:

14 ~~(a) — The most recent version of Standard Methods for the Examination of Water and~~  
15 ~~Wastewater, published jointly by American Public Health Association, American Water~~  
16 ~~Works Association and Water Pollution Control Federation;~~

17 ~~(b) — Methods for Chemical Analysis of Water and Waste, 1979, U.S. Environmental Protection~~  
18 ~~Agency publication number EPA-600/4-79-020, as revised March 1983;~~

19 ~~(c)(A)~~ Test Methods for Evaluating Solid Wastes: Physical/Chemical Methods, 3rd Edition, 1986,  
20 U.S. Environmental Protection Agency publication number SW-846;

21 ~~(d)(B)~~ Test Procedures for the Analysis of Pollutants Under the Clean Water Act, Federal Register  
22 Vol. ~~49,82~~, No. ~~209,165~~, 40 CFR Part 136, ~~October 26, 1984;~~ August 28, 2017, et. Seq.;

23 ~~(e)(C)~~ Methods or procedures approved by ~~letter from the Director Commission~~ upon application  
24 by the regulated source; or

25 (D) Where a method does not exist from the sources listed in (A) through (C), the most recent  
26 version of the Standard Methods for the Examination of Water and Wastewater, published  
27 jointly by the American Public Health Association, the American Water Works  
28 Association and the Water Pollution Control Federation.

29 (2) A method or procedure approved by the ~~Director Commission~~ for substances where the standard is  
30 less than the method detection limit value.

31 (b) The procedures and methods listed in this Paragraph (a) of this rule are incorporated by reference, including  
32 subsequent amendments and editions.

33  
34 *History Note: Authority G.S. 143-215.3(a)(1); 143B-282;*  
35 *Eff. August 1, 1989;*  
36 *Amended Eff. October 1, 1993.*

1 **15A NCAC 02L .0113 VARIANCE**

2 (a) The Commission, on its own initiative or pursuant to a request under G.S. 143-215.3(e), may grant variances to  
3 the rules of this Subchapter.

4 (b) Requests for variances are filed by letter from the applicant to the Environmental Management Commission. The  
5 application shall be mailed to the chairman of the Commission in care of the ~~Director, Division of Environmental~~  
6 ~~Management, Post Office Box 29535, Raleigh, N.C. 27626-0535.~~ Director at 1617 Mail Service Center, Raleigh,  
7 North Carolina 27699-1611.

8 (c) The application shall contain the following information:

- 9 (1) Applications filed by counties or municipalities must include a resolution of the County Board of  
10 Commissioners or the governing board of the municipality requesting the variance.
- 11 (2) A description of the past, ~~existing-existing~~, or proposed activities or operations that have or would  
12 result in a discharge of contaminants to the groundwaters.
- 13 (3) Description of the proposed area for which a variance is requested. A detailed location ~~map,map~~  
14 showing the orientation of the facility, potential for groundwater contaminant migration, as well as  
15 the area covered by the variance request, with reference to at least two geographic references  
16 (numbered roads, named streams/rivers, etc.) ~~must-shall~~ be included.
- 17 (4) Supporting information to establish that the variance will not endanger the public ~~health-and~~  
18 ~~safety,health~~, including health and environmental effects from exposure to groundwater  
19 contaminants. (Location of wells and other water supply sources including details of well  
20 construction within 1/2 mile of site ~~must-shall~~ be shown on a map).
- 21 (5) Supporting information to establish that requirements of this Rule cannot be achieved by providing  
22 the best available technology economically reasonable. This information must identify specific  
23 technology considered, and the costs of implementing the ~~technology-technology~~, and the impact of  
24 the costs on the applicant.
- 25 (6) Supporting information to establish that compliance would produce ~~serious~~-financial hardship on  
26 the applicant.
- 27 (7) Supporting information that compliance would produce ~~serious~~-financial hardship without equal or  
28 greater public benefit.
- 29 (8) A copy of any Special Order that was issued in connection with contaminants in the proposed area  
30 and supporting information that applicant has complied with the Special Order.
- 31 (9) A list of the names and addresses of any property owners within the proposed area of the ~~variance~~  
32 ~~variance~~, as well as ~~any~~-property owners adjacent to the site covered by the variance.

33 (d) Upon receipt of the application, the Director will review it for completeness and request additional information if  
34 necessary. When the application is complete, the Director shall give public notice of the application and schedule the  
35 matter for a public hearing in accordance with G.S. 143-215.4(b) and the procedures set out in Paragraph (e) of this  
36 Rule.

37 (e) Notice of Public Hearing:



1 (1) Notice of public hearing on any variance application shall be circulated in the geographical areas of  
2 the proposed ~~variance~~variance. ~~by the Director at~~At least 30 days prior to the date of the  
3 ~~hearing~~hearing, the Director shall:

4 (A) ~~by publishing~~Publish the notice one time in a newspaper having general circulation in said  
5 ~~county~~county.

6 (B) ~~by mailing~~Mail the notice to the North Carolina Department of ~~Environment, Health, and~~  
7 ~~Natural Resources, Health and Human Services, Division of~~Environmental Health Section  
8 and appropriate local ~~health agency~~Health Director.

9 (C) ~~by mailing~~Mail the notice to any other federal, state or local agency upon request;

10 (D) ~~by mailing~~Mail the notice to the local governmental unit or units having jurisdiction over  
11 the geographic area covered by the ~~variance~~variance.

12 (E) ~~by mailing~~Mail the notice to any property owner within the proposed area of the variance,  
13 as well as any property owners adjacent to the site covered by the ~~variance~~and variance.

14 (F) ~~by mailing~~Mail the notice to any person or group upon request.

15 (G) Post the notice on the Department website.

16 (2) The contents of public notice of any hearing shall include at least the following:

17 (A) ~~name~~Name, address, and phone number of agency holding the public ~~hearing~~hearing.

18 (B) ~~name~~Name and address of each applicant whose application will be considered at the  
19 ~~meeting~~meeting.

20 (C) A brief summary of the variance ~~request~~request.

21 (D) A geographic description of a proposed area for which a variance is ~~requested~~requested.

22 (E) A brief description of activities or operations which have or will result in the discharge of  
23 contaminants to the groundwaters described in the variance ~~application~~application.

24 (F) ~~a~~A brief reference to the public notice issued for each variance ~~application~~application.

25 (G) ~~information~~Information regarding the time and location for the ~~hearing~~hearing.

26 (H) ~~the~~The purpose of the ~~hearing~~hearing.

27 (I) The address and phone number of premises at which interested persons may obtain further  
28 information, request a copy of each application, and inspect and copy forms and related  
29 ~~documents~~and documents.

30 (J) ~~a~~A brief description of the nature of the hearing including the rules and procedures to be  
31 followed. The notice shall also state that additional information is on file with the Director  
32 and may be inspected at any time during normal working hours. Copies of the information  
33 on file will be made available upon request and payment of cost or reproduction.

34 (f) All comments received within 30 days following the date of the public hearing shall be made part of the application  
35 file and shall be considered by the Commission prior to taking final action on the application.

36 (g) In determining whether to grant a variance, the Commission shall consider whether the applicant has complied  
37 with any Special ~~Order~~Order or Special Order by Consent issued under G.S. 143-215.2.

1 (h) If the Commission's final decision is unacceptable, the applicant may file a petition for a contested case in  
2 accordance with Chapter 150B of the General Statutes. If the petition is not filed within 60 days, the decision on the  
3 variance shall be final and binding.

4 (i) A variance shall not operate as a defense to an action at law based upon a public or private nuisance theory or any  
5 other cause of action.

6  
7 *History Note: Authority G.S. 143-215.3(a)(1); 143-215.3(a)(3); 143-215.3(a)(4); 143-215.3(e); 143-215.4;*  
8 *Eff. August 1, 1989;*  
9 *Amended Eff. October 1, 1993.*

10  
11 **15A NCAC 02L .0114 NOTIFICATION REQUIREMENTS**

12 (a) Any person subject to the requirements of Rule .0106(c) ~~or (d)~~ of this ~~Section-Subchapter~~ shall submit to the local  
13 Health ~~Director, Director~~ and the chief administrative officer of the political jurisdictions in which the groundwater  
14 contamination has occurred, a ~~report that describes:~~

15 ~~(1) The area extent of the contaminant plume;~~

16 ~~(2) The chemical constituents in the groundwater which exceed the standards described in Rule .0202 of this~~  
17 ~~Subchapter;~~

18 ~~(3) Actions taken and intended to mitigate threats to human health;~~

19 ~~(4) The location of any wells installed for the purpose of monitoring the contaminant plume and the frequency~~  
20 ~~of sampling.~~

21 ~~The report described in this Rule shall be submitted no later than five working days after submittal of the completed~~  
22 ~~copy of the site assessment report assessing the cause, significance and extent of the violation as required by Rule~~  
23 ~~.0106(e). .0111(b) of this Subchapter.~~

24 (b) Any person who submits a request under Rule ~~.0106(k), (l), or (m).~~0106(f) or (g) of this ~~Section-Subchapter~~ shall  
25 notify the local Health Director and the chief administrative officer of the political jurisdictions in which the  
26 contaminant plume occurs, and all property owners and occupants within or contiguous to the area underlain by the  
27 contaminant plume, and under the areas where it is expected to migrate, ~~of the nature~~ a summary of the request and  
28 reasons supporting it. Notification shall be made by certified mail concurrent with the submittal of the request to the  
29 Director. A final decision by the Director shall be postponed for a period of 30 days following receipt of the request  
30 so that the Director may consider comments submitted by individuals interested in the request.

31 (c) Any person whose request under Rule ~~.0106(k), (l), or (m).~~0106(f) or (g) of this ~~Section-Subchapter~~ is granted by  
32 the Director shall notify parties specified in Paragraph (b) of this Rule of the Director's ~~decision.~~ decision and a  
33 summary of the actions to be taken. Notification shall be made by certified mail within 30 days of receipt of the  
34 Director's decision.

35  
36 *History Note: Authority G.S. 143-214.1; 143-215.3(a)(1); 143B-282(2)b;*  
37 *Eff. October 1, 1993.*

1 **15A NCAC 02L .0115 RISK-BASED ASSESSMENT AND CORRECTIVE ACTION FOR PETROLEUM**  
2 **UNDERGROUND STORAGE TANKS**

3  
4 *History Note: Authority G.S. 143-215.2; 143-215.3(a)(1); 143-215.94A; 143-215.94E; 143-215.94T; 143-*  
5 *215.94V; 143B-282; 1995 (Reg. Sess. 1996) c. 648,s. 1;*  
6 *Temporary Adoption Eff. January 2, 1998;*  
7 *Eff. October 29, 1998;*  
8 *Recodified to 15A NCAC 02L .0400 Eff. December 1, 2005.*

9