

1 15A NCAC 02L .0501 is adopted **with changes** as published in 30:03 NCR 284-291 as follows:

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3 **SECTION .0500 – RISK-BASED ASSESSMENT AND CORRECTIVE ACTION FOR PETROLEUM**  
4 **RELEASES FROM ABOVEGROUND STORAGE TANKS AND OTHER SOURCES**

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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 sufficient  
8 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 human  
11 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 **geologygeology.** 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 resources  
18 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; 143-215.84; 143-215.104AA.**  
22 **Adopted Eff. January 2, 2016 March 1, 2016.**

1 15A NCAC 02L .0502 is adopted **with changes** as published in 30:03 NCR 284-291 as follows:

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

4 The definitions as set out in Rule .0102 of this Subchapter apply to this Section, **except that in addition** the following  
5 definitions 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, underground  
9 ancillary equipment, and containment system, if **any". any.**

10 (3) "Discharge" **means, but is not limited to, includes,** any emission, spillage, leakage, pumping,  
11 pouring, 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 is  
13 intentional, **knowing knowing,** or willful.

14 **(4) "Non-UST is defined as set forth in G.S. 143-215.104AA(g).**

15 **(4) (5)** "Operator" means any person in control of, or having responsibility for the daily operation of the  
16 AST system.

17 **(5) (6)** "Owner" means any person who owns a petroleum aboveground storage tank or other non-UST  
18 petroleum tank, stationary or mobile, used for storage, use, dispensing, or transport.

19 **(6) (7)** "Person" means an individual, trust, firm, joint stock company, Federal agency, corporation, state,  
20 municipality, commission, political subdivision of a state, or any interstate body. "Person" also  
21 includes a consortium, a joint venture, a commercial entity, and the United States Government.

22 **(7) (8)** "Petroleum" **or "petroleum products" means as is** defined in G.S. 143-215.94A(10).

23 **(8) (9)** "Release" means any spilling, leaking, emitting, discharging, escaping, **or leaching leaching,** or  
24 disposing into groundwater, surface water, or surface or subsurface soils.

25 **(9) (10)** "Tank" **is means** 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; 143-215.84; 143-**  
29 **215.104AA.**

30 **Adopted Eff. January 2, 2016 March 1, 2016.**

1 15A NCAC 02L .0503 is adopted **with changes** as published in 30:03 NCR 284-291 as follows:

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

11

12 *History Note:* Authority G.S. ~~143-215.2;~~ 143-215.3(a)(1); 143B-282; ~~143-215.84; 143-215.104AA.~~

13 ~~Adopted Eff. January 2, 2016 March 1, 2016.~~

1 15A NCAC 02L .0504 is adopted with changes as published in 30:03 NCR 284-291 as follows:

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3 **15A NCAC 02L .0504 REQUIRED INITIAL REPOSE 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 petroleum  
7 source; identify and mitigate any fire, explosion explosion, or vapor hazard; and report the release  
8 within 24 hours of discovery, 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 contamination is  
10 most likely to be present and to confirm the precise source of the release; to investigate to determine  
11 the possible presence of free product and to begin free product removal; and to continue to monitor  
12 and mitigate any additional fire, vapor explosion, or explosion vapor hazards posed by vapors or by  
13 free product; and submit a report to the Department of Environmental Quality, UST Section,  
14 Regional Office Supervisor in accordance with 15A NCAC 02B .0309 and .0311, within 20 days  
15 after release confirmation summarizing these initial abatement actions;
- 16 (3) remove contaminated soil which that would act as continuing source of contamination to  
17 groundwater. For a new release, no further action shall be necessary where:
- 18 (a) if initial abatement actions involving control and removal of contaminated materials can  
19 be initiated within 48 hours from ~~discovery;~~ discovery and before contaminated  
20 materials have the opportunity begin to impact groundwater; and
- 21 (b) if remaining soils contain contaminants with levels less than the TPH action level or less  
22 than either the soil to groundwater or residential MSCCS (whichever is lowest); no further  
23 action is necessary. ~~If the abatement actions cannot be initiated within 48 hours of~~  
24 ~~discovery and petroleum contaminated soil concentrations less than TPH action level~~  
25 ~~cannot be achieved, conduct activities in the subsequent items of this Rule.~~ analysis, in  
26 accordance with the approved methods in 15A NCAC 2L .0412, of representative samples  
27 of remaining soils shows concentrations (i) at or below the more stringent of the soil-to-  
28 groundwater concentration value and the residential maximum soil contamination  
29 concentration value, or (ii) using other EPA approved analytical methods in accordance  
30 with 15A NCAC 02L .0412(b)(7) concentration values below the more stringent of the  
31 soil-to-groundwater concentration alkane and aromatic carbon fraction class values and the  
32 residential maximum soil contamination concentration alkane and aromatic carbon fraction  
33 class values.
- 34 ~~If the abatement actions cannot be initiated within 48 hours of discovery conduct activities in the~~  
35 ~~subsequent items of this Rule. If soil concentrations remain above the Total Petroleum Hydrocarbon~~  
36 ~~action level conduct activities in the subsequent items of this Rule.~~ Provided that, for new releases,  
37 if the abatement actions cannot be initiated within 48 hours of discovery, or if soil concentrations

1 remain above the values in (b), the responsible party shall conduct all activities under subsections  
 2 (1) through (5) of this Rule;

- 3 (4) conduct initial site assessment, assembling information about the site and the nature of the release,  
 4 including but not necessarily limited to the following:
- 5 (a) Site site history and site characterization, including but not limited to, data on nature and  
 6 estimated quantity of release and data formfrom available sources and site investigations  
 7 concerning surrounding populations, water quality, use, and approximate locations of  
 8 wells, surface water bodies, and subsurface structures potentially effected by the release,  
 9 subsurface soil conditions, locations of subsurface utilities, climatological conditions, and  
 10 landuse;
  - 11 (b) Results results of free product investigations and free product removal, if applicable;
  - 12 (c) Results results of groundwater and surface water investigations, if applicable;
  - 13 (d) Summary summary of initial response and abatement actions; and submit this information  
 14 in the report required under Item (5) of this Rule. Rule; and
- 15 (5) submit as required in Item (2) of this Rule. within 90 days of the discovery of the discharge or  
 16 release an initial assessment and abatement report containing the site characterization information  
 17 required in Item (4) of this Rule; soil assessment information sufficient to show that remaining  
 18 unsaturated soil in the side walls and at the base of the excavation does not contain contaminant  
 19 levels which exceed either the "soil-to-groundwater" or the residential maximum soil contaminant  
 20 concentrations established by the Department pursuant to Rule .0511 of this Section, whichever is  
 21 lower; and documentation to show that neither bedrock nor groundwater was encountered in the  
 22 excavation (or if groundwater was encountered, that contaminant concentrations in groundwater  
 23 were equal to or less than the groundwater quality standards established in Rule .0202 of this  
 24 Subchapter). If such showing is made, the discharge or release shall be classified as low risk by the  
 25 Department.

26  
 27 *History Note:* Authority G.S. 143-215.2; 143-215.3(a)(1); 143B-282; 143-215.84; 143-215.104AA.  
 28 Adopted Eff. January 2, 2016March 1, 2016.

1 15A NCAC 02L .0505 is adopted with changes as published in 30:03 NCR 284-291 as follows:

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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 discovery of  
5 the discharge or release, or within such other greater time limit approved by the Department, except where an extension  
6 is requested by the responsible party prior to the deadline and demonstrates to the Department that the extension would  
7 not increase the risk posed by the release. a report as required in Rule .0504 of this Section, containing information  
8 needed by the Department to classify the level of risk to human health and the environment posed by a discharge or  
9 release under Rule .0506 of this Section. Such report shall include, include-at-a minimum: the following:

- 10 (1) a location map, based on a USGS topographic map, showing the radius of 1500 feet from the source  
11 area of a confirmed release or discharge and depicting all water supply wells, surface waters-waters,  
12 and designated wellhead protection areas "wellhead protection areas" as defined in 42 U.S.C. 300h-  
13 7(e) within the 1500-foot radius. 42 U.S.C. 300h-7(e), is incorporated by reference including  
14 subsequent amendments and editions. Copies may be obtained at no cost from the U.S. Government  
15 Bookstore's website at [2010-title42-chap6A-subchapXII-partC-sec300h-7.htm](http://www.gpo.gov/fdsys/pkg/USCODE-2010-title42/html/USCODE-</a></u><br/>16 <u><a href=). The material is available for inspection at  
17 the Department of Environmental Quality, UST Section, 217 West Jones Street, Raleigh, NC 27603.  
18 For purposes of this Section, source area "source area" means point of release or discharge from the  
19 non-UST petroleum source or, source, or if the point of release cannot be determined  
20 precisely, source area "source area" is defined as means the area of highest contaminant  
21 concentrations;
- 22 (2) a determination of whether the source area of the discharge or release is within a designated wellhead  
23 protection area "wellhead protection area" as defined in 42 U.S.C. 300h-7(e);
- 24 (3) if the discharge or release is in the Coastal Plain physiographic region as designated on a map  
25 entitled "Geology of North Carolina" published by the Department in 1985, a determination of  
26 whether the source area of the discharge or release is located in an area in which there is recharge  
27 to an unconfined or semi-confined deeper aquifer which-that is being used or may be used as a  
28 source of drinking water;
- 29 (4) a determination of whether vapors from the discharge or release pose a threat of explosion due to  
30 the accumulation of vapors in a confined space, space; pose a risk to public health from exposure,  
31 exposure, or pose any other serious threat to public health, public safety safety, or the environment;
- 32 (5) scaled site map(s) showing the location of the following which-that are on or adjacent to the property  
33 where the source is located: site boundaries, roads, buildings, basements, floor and storm drains,  
34 subsurface utilities, septic tanks and leach fields, underground and aboveground storage tank  
35 systems, monitoring wells, water supply wells, surface water bodies and other drainage features,  
36 borings and the sampling points;  
37 (a) site boundaries;

- (b) roads;
- (c) buildings;
- (d) basements;
- (e) floor and storm drains;
- (f) subsurface utilities;
- (g) septic tanks and leach fields;
- (h) underground and aboveground storage tank systems;
- (i) monitoring wells;
- (j) water supply wells;
- (k) surface water bodies and other drainage features;
- (l) borings; and
- (k) the sampling points;

- (6) the results from a limited site assessment ~~which that~~ shall include the following actions:
- (a) ~~Determine~~ determine the presence, the lateral and vertical extent, and the maximum concentration levels of soil and, if possible, groundwater contamination and free product ~~accumulations.~~ accumulations;
  - (b) ~~Install~~ install as many monitoring wells constructed in accordance with ~~15A NCAC 02C .0108,~~ within the area of maximum soil or groundwater contamination as needed to determine the groundwater flow direction and maximum concentrations of dissolved groundwater contaminants or accumulations of free ~~product.~~ product, to include at a minimum three monitoring wells, unless a greater or lesser number are specified for a particular site by the Department; ~~during~~ During well construction, the responsible party shall collect and analyze soil ~~samples,~~ samples ~~which that should~~ represent the suspected highest contaminant-level locations by exhibiting visible contamination or elevated levels of volatile organic compounds, from successive locations at five-foot depth intervals in the boreholes of each monitoring well within the unsaturated zone; collect potentiometric data from each monitoring well; and collect and analyze groundwater or measure the amount of free product, if present, in each monitoring well;
- (7) the availability of public water supplies and the identification of properties served by the public water supplies within 1500 feet of the source area of a confirmed discharge or release;
- (8) the land use, including zoning if applicable, within 1500 feet of the source area of a confirmed discharge or release;
- (9) a discussion of site specific conditions or possible actions ~~which that could may~~ result in lowering the risk classification assigned to the release. Such discussion shall be based on information known or required to be obtained under this ~~Paragraph Item;~~ and
- (10) names and current addresses of all responsible parties for all petroleum sources for which a discharge or release is confirmed, the owner(s) of the land upon which such petroleum sources are

1 located, and all potentially affected real property owners. Documentation of ownership of ASTs or  
2 other sources and of the property upon which a source is located shall be provided. When  
3 considering a request from a responsible party for additional time to submit the report,  
4 the ~~Division-Department~~ shall consider ~~the following:~~ the extent to which the request for additional  
5 time is due to factors outside of the control of the responsible party, the previous history of the  
6 person submitting the report in complying with deadlines established under the Commission's rules,  
7 the technical complications associated with assessing the extent of contamination at the site or  
8 identifying potential receptors, and the necessity for action to eliminate an imminent threat to public  
9 health or the environment.

10 (a) the extent to which the request for additional time is due to factors outside of the control  
11 of the responsible party.

12 (b) the previous history of the person submitting the report in complying with deadlines  
13 established under the Commission's rules;

14 (c) the technical complications associated with assessing the extent of contamination at the  
15 site or identifying potential receptors; and

16 (d) the necessity for action to eliminate an imminent threat to public health or the environment.

17  
18 *History Note:* Authority G.S. ~~143-215.2;~~ 143-215.3(a)(1); 143B-282; ~~143-215.84; 143-215.104AA.~~  
19 ~~Adopted Eff. January 2, 2016-March 1, 2016.~~  
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1 15A NCAC 02L .0506 is adopted with changes as published in 30:03 NCR 284-291 as follows:

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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~~ risk, unless  
5 the discharge or release has been classified under Rule ~~.0504(3)~~ .0504 of this Section. For purposes of this Section:

6 (1) "High risk" means that:

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

21 (2) "Intermediate risk" means that:

- 22 (a) surface water is located within 500 feet of the source area of a confirmed discharge or  
23 release and the maximum groundwater contaminant concentration exceeds the applicable  
24 surface water quality standards and criteria found in 15A NCAC 02B .0200 by a factor of  
25 10;
- 26 (b) in the Coastal Plain physiographic region as designated on a map entitled "Geology of  
27 North Carolina" published by the Department in 1985, the source area of a confirmed  
28 discharge or release is located in an area in which there is recharge to an unconfined or  
29 semi-confined deeper aquifer ~~which that~~ the Department determines is being used or may  
30 be used as a source of drinking water;
- 31 (c) the source area of a confirmed discharge or release is within a designated wellhead  
32 protection area, as defined in 42 U.S.C. 300h-7(e);
- 33 (d) the levels of groundwater contamination for any contaminant except ethylene  
34 dibromide, ~~benzene~~ benzene, and alkane and aromatic carbon fraction classes exceed 50  
35 percent of the solubility of the contaminant at 25 degrees Celsius or 1,000 times the  
36 groundwater standard or interim standard established in Rule .0202 of this Subchapter,  
37 whichever is lower; or

1 (e) the levels of groundwater contamination for ethylene dibromide and benzene exceed 1,000  
2 times the federal drinking water standard ~~set out in 40 CFR 141~~ as referenced in 15A  
3 NCAC 18C .1518 is hereby incorporated by reference including subsequent amendments  
4 and editions and is available free of charge at [http://reports.oah.state.nc.us/ncac/title 15a -](http://reports.oah.state.nc.us/ncac/title_15a_-_environmental_quality/chapter_18_-_environmental_health/subchapter_c/15a_ncac_18c)  
5 environmental quality/chapter 18 - environmental health/subchapter c/15a ncac 18c  
6 .1518.pdf.

7 (3) "Low risk" means that:

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

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

14  
15 *History Note:* Authority G.S. ~~143-215.2;~~ 143-215.3(a)(1); 143B-282; 143-215.84; 143-215.104AA.  
16 ~~Adopted Eff. January 2, 2016~~ March 1, 2016.

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1 15A NCAC 02L .0507 is adopted with changes as published in 30:03 NCR 284-291 as follows:

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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 the  
5 potential exposure of receptors to the discharge or release or upon receipt of new information concerning changed  
6 conditions at the site. After initial classification of the discharge or release, the Department may require limited  
7 assessment, interim corrective action, or other actions which that the Department believes will may result in a lower  
8 risk classification. It shall be a continuing obligation of each responsible party to notify the Department of any changes  
9 that might may affect the level of risk assigned to a discharge or release by the Department if the change is known or  
10 should be known by the responsible party. Such changes shall may include, include ~~but shall not be limited to,~~ changes  
11 in zoning of real property, use of real property property, or the use of groundwater that has been contaminated or is  
12 expected to be contaminated by the discharge or ~~release, release if such change could cause the Department to~~  
13 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 party  
15 shall comply with the assessment and cleanup requirements of Rule .0106(c), ~~(g)~~ (g), and (h) of this Subchapter. The  
16 goal of any required corrective action for groundwater contamination shall be restoration to the level of the  
17 groundwater standards set forth in Rule .0202 of this Subchapter, or as closely thereto as is economically and  
18 technologically ~~feasible,~~ feasible as determined by the Department. In any corrective action plan submitted pursuant  
19 to this Paragraph, ~~natural attenuation shall be used to the maximum extent possible.~~ natural attenuation may be used  
20 when the benefits of its use shall not increase the risk to the environment and human health and shall not increase the  
21 costs of the corrective action. If the responsible party demonstrates that natural attenuation prevents the further  
22 migration of the plume, the Department may approve a groundwater monitoring plan.

23 (c) If the risk posed by a discharge or release is determined by the Department to be an intermediate risk, the  
24 responsible party shall comply with the assessment requirements of Rule .0106(c) and (g) of this Subchapter. As part  
25 of the comprehensive site assessment, the responsible party shall evaluate, based on site specific conditions, whether  
26 the release poses a significant risk to human health or the environment. If the Department determines, based on the  
27 site-specific conditions, that the discharge or release does not pose a significant threat to human health or the  
28 environment, the site shall be reclassified as a low risk site. If the site is not reclassified, the responsible party shall,  
29 at the direction of the Department, submit a groundwater monitoring plan or a corrective action plan, or a combination  
30 thereof, meeting the cleanup standards of this Paragraph and containing the information required in Rule .0106(h) of  
31 this Subchapter. Discharges or releases which that are classified as intermediate risk shall be remediated, at a  
32 minimum, to a cleanup level of 50 percent of the solubility of the contaminant at 25 degrees Celsius or 1,000 times  
33 the groundwater standard or interim standard established in Rule .0202 of this Subchapter, whichever is lower for any  
34 groundwater contaminant except ethylene dibromide, benzene benzene, and alkane and aromatic carbon fraction  
35 classes. Ethylene dibromide and benzene shall be remediated to a cleanup level of 1,000 times the federal drinking  
36 water standard set out in 40 CFR 141 as referenced in 15A NCAC 18C .1518 is hereby incorporated by reference  
37 including subsequent amendments and editions and is available free of charge at

1 [http://reports.oah.state.nc.us/ncac/title 15a - environmental quality/chapter 18 - environmental health/subchapter c/15a](http://reports.oah.state.nc.us/ncac/title%2015a-%20environmental%20quality/chapter%2018-%20environmental%20health/subchapter%20c/15a%20ncac%2018c%20.1518.pdf)  
 2 [ncac 18c .1518.pdf](http://reports.oah.state.nc.us/ncac/title%2015a-%20environmental%20quality/chapter%2018-%20environmental%20health/subchapter%20c/15a%20ncac%2018c%20.1518.pdf). Additionally, if a corrective action plan or groundwater monitoring plan is required under this

3 Paragraph, the responsible party shall demonstrate that the groundwater cleanup levels are sufficient to prevent a  
 4 violation of:

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

12 In any corrective action plan submitted pursuant to this Paragraph, ~~natural attenuation shall be used to the maximum~~  
 13 ~~extent possible.~~ natural attenuation may be used when the benefits of its use shall not increase the risk to the  
 14 environment and human health and shall not increase the costs of the corrective action.

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

24  
 25 *History Note:* Authority G.S. ~~143-215.2;~~ 143-215.3(a)(1); 143B-282; ~~143-215.84;~~ 143-215.104AA.

26 ~~Adopted Eff.~~ January 2, 2016-March 1, 2016.

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1 15A NCAC 02L .0508 is adopted **with changes** as published in 30:03 NCR 284-291 as follows:

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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 "residential"  
7 or "industrial/commercial." For purposes of this Section, a site is presumed residential, but may be  
8 classified as industrial/commercial if the Department determines based on site-specific information  
9 that exposure to the soil contamination is limited in time due to the use of the site and does not  
10 involve exposure to children. For purposes of this Item, "site" means both the property upon which  
11 the discharge or release has occurred and any property upon **which that** soil has been affected by the  
12 discharge or release.

13 (2) The responsible party shall submit a report to the Department assessing the vertical and horizontal  
14 extent of soil contamination.

15 (3) For a discharge or release classified by the Department as low risk, the responsible party shall submit  
16 a report demonstrating that soil contamination has been remediated to either the residential or  
17 industrial/commercial maximum soil contaminant concentration established by the Department  
18 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 responsible  
20 party shall submit a report demonstrating that soil contamination has been remediated to the lower  
21 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 Rule  
24 .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; ~~143-215.84~~; ~~143-215.104AA~~.

29 ~~Adopted Eff. January 2, 2016 March 1, 2016.~~

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1 15A NCAC 02L .0509 is adopted with changes as published in 30:03 NCR 284-291 as follows:

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

4 (a) A responsible party who submits a corrective action plan ~~which~~that proposes natural attenuation or to cleanup  
5 groundwater contamination to a standard other than a standard or interim standard established in Rule .0202 of this  
6 Subchapter, 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 Director~~  
8 ~~and the chief administrative officer of each political jurisdiction in which the contamination occurs; all property~~  
9 ~~owners and occupants within or contiguous to the area containing the contamination; and all property owners and~~  
10 ~~occupants within or contiguous to the area where the contamination is expected to migrate.~~

11 (1) ~~the local Health Director and the chief administrative officer of each political jurisdiction in which~~  
12 ~~the contamination occurs;~~

13 (2) ~~all property owners and occupants within or contiguous to the area containing the contamination;~~  
14 ~~and~~

15 (3) ~~all property owners and occupants within or contiguous to the area where the contamination is~~  
16 ~~expected to migrate.~~

17 Such notice shall describe the nature of the plan and the reasons supporting it. Notification shall be made by certified  
18 mail concurrent with the submittal of the corrective action plan. Approval of the corrective action plan by the  
19 Department shall be postponed for a period of 30 days following receipt of the request so that the Department may  
20 consider comments submitted. The responsible party shall, within ~~a time frame determined by the Department to be~~  
21 ~~sufficient~~60 days, provide the Department with a copy of the notice and proof of receipt of each required notice, or of  
22 refusal by the addressee to accept delivery of a required notice. If notice by certified mail to occupants under this  
23 Paragraph is impractical, the responsible party may give notice by posting such notice ~~prominently in a manner in a~~  
24 ~~prominent manner~~ designed to give actual notice to the occupants. If notice is made to occupants by posting, the  
25 responsible party shall provide the Department with a copy of the posted notice and a description of the manner in  
26 which such posted notice was given.

27 (b) A responsible party who receives a notice pursuant to Rule .0507(d) of this Section for a discharge or  
28 release ~~which~~that has not been remediated to the groundwater standards or interim standards established in Rule .0202  
29 of this Subchapter or to the lower of the residential or soil-to-groundwater contaminant concentrations established  
30 under Rule .0511 of this Section, shall, within 30 days of the receipt of such notice, provide a copy of the notice to: ~~the~~  
31 ~~local Health Director and the chief administrative officer of each political jurisdiction in which the contamination~~  
32 ~~occurs; all property owners and occupants within or contiguous to the area containing contamination; and all property~~  
33 ~~owners and occupants within or contiguous to the area where the contamination is expected to migrate.~~

34 (1) ~~the local Health Director and the chief administrative officer of each political jurisdiction in which~~  
35 ~~the contamination occurs;~~

36 (2) ~~all property owners and occupants within or contiguous to the area containing contamination; and~~

1           (3) all property owners and occupants within or contiguous to the area where the contamination is  
2           expected to migrate.

3     \_\_Notification shall be made by certified mail. The responsible party shall, within a time frame determined by the  
4     Department to be sufficient, 60 days, provide the Department with proof of receipt of the copy of the notice, or of  
5     refusal by the addressee to accept delivery of the copy of the notice. If notice by certified mail to occupants under this  
6     Paragraph is impractical, the responsible party may give notice by posting a copy of the notice prominently in a  
7     manner in a prominent manner designed to give actual notice to the occupants. If notice is made to occupants by  
8     posting, the responsible party shall provide the Department with a description of the manner in which such posted  
9     notice was given.

10  
11     History Note: Authority G.S. ~~143-215.2;~~ 143-215.3(a)(1); 143B-282; ~~143-215.104AA.~~  
12                     ~~Adopted Eff. January 2, 2016~~ March 1, 2016.  
13

1 15A NCAC 02L .0510 is adopted with changes as published in 30:03 NCR 284-291 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 non-UST  
5 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 Adopted Eff. January 2, 2016 March 1, 2016.

1 15A NCAC 02L .0511 is adopted with changes as published in 30:03 NCR 284-291 as follows:

2

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

4 For purposes of risk-based assessment and remediation for non-UST petroleum releases, refer to Rule .0411 of this  
5 Subchapter for establishment of maximum soil contamination concentrations.

6

7 *History Note:* Authority G.S. 143-215.2; 143-215.3(a)(1); 143B-282; 143-215.84; 143-215.104AA.

8

~~Adopted Eff. January 2, 2016-March 1, 2016.~~

9

1 15A NCAC 02L .0512 is adopted with changes as published in 30:03 NCR 284-291 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 Rule .0412 of this  
5 Subchapter for analytical procedures for soil samples.

6

7 *History Note:* Authority G.S. 143-215.2; 143-215.3(a)(1); 143B-282; 143-215.84; 143-215.104AA.

8

~~Adopted Eff. January 2, 2016-March 1, 2016.~~

9

1 15A NCAC 02L .0513 is adopted with changes as published in 30:03 NCR 284-291 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 Rule .0413 of this  
5 Subchapter for analytical procedures for groundwater samples.

6

7 *History Note:* Authority G.S. 143-215.2; 143-215.3(a)(1); 143B-282; 143-215.84; 143-215.104AA.

8

~~Adopted Eff. January 2, 2016-March 1, 2016.~~

9

1 15A NCAC 02L .0514 is adopted with changes as published in 30:03 NCR 284-291 as follows:

2

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

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

7

8 *History Note:* Authority G.S. 143-215.2; 143-215.3(a)(1); 143B-282; 143-215.84; 143-215.104AA.

9

Adopted Eff. January 2, 2016 March 1, 2016.

10

1 15A NCAC 02L .0515 is adopted with changes as published in 30:03 NCR 284-291 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 other  
5 than a non-UST petroleum release from its obligation to assess and clean up contamination resulting from such  
6 discharge or releases.

7

8 *History Note:* Authority G.S. 143-215.2; 143-215.3(a)(1); 143B-282; 143-215.84; 143-215.104AA.

9

Adopted Eff. January 2, 2016 March 1, 2016.

10