

1 15A NCAC 02L .0507 is amended as published in 31:07 NCR 582-584:

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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 that the Department believes may result in a lower risk
8 classification. It shall be a continuing obligation of each responsible party to notify the Department of any changes
9 that 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 may include changes in zoning of real property, use of real
11 property, or the use of groundwater that has been contaminated or is expected to be contaminated by the discharge
12 or release.

13 (b) Remediation of sites with off-site migration shall be subject to the provisions of G.S. 143-215.104AA.

14 ~~(b)~~ (c) If the risk posed by a discharge or release is determined by the Department to be high risk, the responsible
15 party shall comply with the assessment and cleanup requirements of Rule .0106(c), (g), and (h) of this Subchapter.
16 The 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 as determined by the Department. In any corrective action plan submitted pursuant to this
19 Paragraph, natural attenuation may be used when the benefits of its use shall not increase the risk to the environment
20 and human health as determined by the Department. If the responsible party demonstrates that natural attenuation
21 prevents the further migration of the plume, the Department may approve a groundwater monitoring plan.

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

1 corrective action plan or groundwater monitoring plan is required under this Paragraph, the responsible party shall
2 demonstrate that the groundwater cleanup levels are sufficient to prevent a violation of:

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

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

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

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23 *History Note: Authority G.S. 143-215.3(a)(1); 143B-282; 143-215.84; 143-215.104AA;*
24 *Eff. March 1, ~~2016~~2016;*
25 *Amended Eff. March 1, 2017*