

1 15A NCAC 02T .1501 is readopted with changes as published in 32:04 NCR 189 as follows:

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3 **15A NCAC 02T .1501 SCOPE**

4 The rules in this Section shall apply to the Disposal or Treatment of Soils Containing Petroleum Products or other  
5 Contaminated Soil by Land Application, Storage, or Containment and Treatment. These Rules ~~do shall~~ not apply to:

6 (1) "hazardous waste" as defined in ~~40 CFR 260.10 as adopted by reference in 15A NCAC 13A~~  
7 ~~.0102(b);~~ 40 CFR ~~261.3261.3~~, as adopted by reference in 15A NCAC 13A .0106(a), and North  
8 Carolina General Statute 130A-290;

9 (2) soil contaminated with "hazardous waste" or "hazardous waste constituents" as defined in ~~40 CFR~~  
10 ~~260.10 as adopted by reference in 15A NCAC 13A .0102(b) and~~ 40 CFR ~~261.3261.3~~, as adopted by  
11 reference in 15A NCAC 13A .0106(a) from a "Facility" as defined in 15A NCAC 13A .0102(c); or

12 (3) cuttings and other wastes generated in the construction and development of oil and gas wells  
13 regulated by Article 27 of G.S. 113.

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15 *History Note: Authority G.S. 143-215.1; 143-215.3(a);*

16 *Eff. September 1, 2006;*

17 *Amended Eff. March 19, 2015-2015;*

18 *Readopted Eff. January 1, 2018.*

1 15A NCAC 02T .1502 is readopted with changes as published in 32:04 NCR 189 as follows:

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3 **15A NCAC 02T .1502 DEFINITIONS**

4 The following definitions apply to this Section:

- 5 (1) "Contaminated soil" means soil containing petroleum products or other soil ~~that has been affected~~  
6 ~~by containing~~ non-petroleum substances as a result of a release or ~~discharge, discharge as defined in~~  
7 ~~G.S. 143-215.77.~~ but does not include hazardous waste.
- 8 (2) "Dedicated site" means a site used for ~~the repetitive treatment of soils.~~ more than one application of  
9 petroleum-contaminated soils onto the same receiver site within an eighteen-month period.
- 10 (3) "Permitting agency" means the Division of Waste Management, UST Section, for contaminated  
11 soils originating from ~~underground storage tanks (USTs)~~ discharges of petroleum and for dedicated  
12 sites. For other ~~soil, soils originating from non-petroleum sources,~~ the permitting agency means the  
13 Division of Water ~~Quality Resources.~~ ~~When~~ If the permitting agency is the Division of Waste  
14 Management, the Division of Waste Management shall be considered the Division for the purposes  
15 of Section .0100 of this Subchapter.
- 16 (4) ~~"Petroleum-contaminated"~~ "Petroleum-contaminated" soil or "Soil containing petroleum products"  
17 shall mean any soil that has been exposed to petroleum products because of any emission, spillage,  
18 leakage, pumping, pouring, emptying, or dumping of petroleum products onto or beneath the land  
19 surface and that exhibits characteristics or concentrations of petroleum product constituents in  
20 ~~sufficient~~ quantities ~~that exceed either the~~ ["soil to groundwater"]soil-to-groundwater contaminant  
21 concentrations or the residential maximum soil contaminant concentrations established by the  
22 Department pursuant to 15A NCAC 02L .0411, whichever is ~~[lower]~~ lower, ~~as to be detectable by~~  
23 compatible laboratory analytical procedures pursuant to 15A NCAC 02H .0800.
- 24 (5) "Petroleum product" means ~~any~~ any petroleum ~~products~~ product as defined by G.S. 143-215.94A and  
25 includes motor gasoline, aviation gasoline, gasohol, jet fuels, kerosene, diesel fuel, fuel oils (#1  
26 through #6), and motor oils (new and used).
- 27 (6) "Soil remediation at conventional rates" means the treatment of contaminated soils by land  
28 application ~~methods, methods~~ at an ~~evenly distributed thickness~~ evenly-distributed application layer  
29 of contaminated soils not to exceed six ~~inches.~~ inches in thickness.
- 30 (7) "Soil remediation at minimum rates" means the treatment of contaminated soils by land application  
31 ~~methods, methods~~ at an ~~evenly distributed~~ evenly-distributed application ~~thickness~~ layer of  
32 contaminated soils not to exceed ~~an average of one~~ an average of one ~~inch.~~ inch in thickness.

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34 *History Note:* Authority G.S. 143-215.1; 143-215.3(a);  
35 Eff. September 1, 2006-2006;  
36 Readopted Eff. January 1, 2018.

1 15A NCAC 02T .1503 is readopted with changes as published in 32:04 NCR 189 as follows:

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3 **15A NCAC 02T .1503 PERMITTING BY REGULATION**

4 (a) The following systems shall be deemed permitted pursuant to Rule .0113 of this Subchapter~~Subchapter~~,  
5 provided that the system meets the criteria in Rule .0113 of this Subchapter and all criteria required for the specific  
6 system in this Rule:

7 ~~(1) Storage sites for petroleum contaminated soils that are utilized for less than 45 days, storage is on~~  
8 ~~10 mil or thicker plastic, provisions are made for containing potential leachate and runoff, setbacks~~  
9 ~~required in Rule .1506 of this Section are maintained, and approval of the activity has been received~~  
10 ~~from the appropriate Regional Supervisor or his designee that the site meets the criteria of this Rule.~~

11 (1) Storage sites for petroleum-contaminated soils that are utilized for less than 45 days. Such sites shall  
12 meet the following criteria:

13 (A) storage shall be on 10 mil or thicker plastic;

14 (B) provisions shall be made for containing potential leachate and runoff;

15 (C) setbacks required in Rule .1506 of this Section shall be maintained; and

16 (D) approval of the activity, stating that the site meets the criteria of this Rule, shall have  
17 been received from the appropriate Regional Supervisor or his or her designee.

18 ~~(2) Land application sites for petroleum contaminated soils with volumes of soil from each source of~~  
19 ~~less than or equal to 50 cubic yards or for the application of up to 100 cubic yards if the application~~  
20 ~~is at minimum rate, setbacks required in Rule .1506 of this Section are maintained, and approval of~~  
21 ~~the activity has been received from the appropriate Regional Supervisor or his designee that the site~~  
22 ~~meets the criteria of this Rule.~~

23 (2) Land application sites for petroleum-contaminated soils with volumes of soil from each source of  
24 less than or equal to 50 cubic yards or for the application of up to 100 cubic yards if the application  
25 is at the minimum rate defined in Rule .1502(7) of this subchapter. Such sites shall meet the  
26 following criteria:

27 (A) setbacks required in Rule .1506 of this Section shall be maintained; and

28 (B) approval of the activity, stating that the site meets the criteria of this Rule, shall have  
29 been received from the appropriate Regional Supervisor or his or her designee.

30 ~~(3) Land application sites for the disposal of drill cuttings if applied on the site where the drilling occurs~~  
31 ~~and setbacks required in Rule .1506 of this Section are maintained. Soils contaminated with non-~~  
32 ~~petroleum substances must be determined by chemical analysis to be non-hazardous wastes.~~

33 (3) Land application sites for the disposal of drill cuttings if applied on the site where the drilling  
34 occurs. Such sites shall meet the following criteria:

35 (A) soils contaminated with non-petroleum substances shall be determined by chemical  
36 analysis to be non-hazardous wastes; and

37 (B) setbacks required in Rule .1506 of this Section shall be maintained.

1 (b) The Director may determine that a system should not be deemed permitted in accordance with this Rule and Rule  
2 .0113 of this Subchapter. This determination shall be made in accordance with Rule .0113(e) of this Subchapter.

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4 *History Note:* Authority G.S. 143-215.1; 143-215.3(a);

5 *Eff. September 1, ~~2006~~2006;*

6 *Readopted Eff. January 1, 2018.*

1 15A NCAC 02T .1504 is readopted with changes as published in 32:04 NCR 189 as follows:

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3 **15A NCAC 02T .1504 APPLICATION SUBMITTAL**

4 (a) For all applications the following shall be submitted to the permitting agency by the applicant:

- 5 (1) ~~A complete~~ chemical analysis of the contaminated soil to be remediated, including total petroleum  
6 hydrocarbons (TPH), semivolatile and volatile organics, pH, and heavy metals. All methods and  
7 procedures shall be in accordance with 15A NCAC 02H ~~.0800-.0800~~.
- 8 (2) ~~A~~ determination of hazardous waste constituents using the Toxicity Characteristic Leaching  
9 Procedure (TCLP) described in 40 CFR 261.24. Any substance shall be considered a hazardous  
10 waste if the results of the TCLP analysis ~~indicates~~indicate concentrations of constituents greater  
11 than the federal regulatory level, unless documentation is provided ~~stating~~showing that the  
12 contaminated soil is not a hazardous waste ~~(i.e. and is~~ within the scope of this Section as provided  
13 in Rule .1501 of this ~~Section)~~Section. A TCLP analysis shall be required for all ~~permit~~  
14 ~~applications~~applications for a permit to dispose of ~~petroleum contaminated~~petroleum-contaminated  
15 soil in accordance with the following criteria:
- 16 (A) If the source of the soil contamination is a virgin (unused) petroleum product from an  
17 underground storage tank regulated under Subtitle I of RCRA, the contaminated soil shall  
18 not be considered a hazardous waste and no TCLP analysis ~~is~~shall be required. In lieu of  
19 the TCLP analysis, certification of soil contamination from a virgin petroleum product shall  
20 be required.
- 21 (B) If an analysis of the ~~source of~~virgin (unused) petroleum product is submitted showing  
22 concentrations less than the regulatory level associated with the constituents of the TCLP  
23 analysis (Table II.2 of the Federal Register, Volume 55, No. 61), the contaminated soil  
24 shall not be considered a hazardous waste and no TCLP analysis shall be required.
- 25 (C) For soils contaminated with used motor oil, the soils shall be considered hazardous  
26 ~~until~~unless proven otherwise by a TCLP analysis for volatile organics and metals (EPA  
27 Hazardous Waste Nos. D004-D011).
- 28 (D) For soils contaminated by waste oil, a TCLP analysis for all constituents in Table II.2 of  
29 the Federal Register, Volume 55, No. 61, with the exception of pesticides and herbicides,  
30 shall be required.
- 31 (E) For soils contaminated with petroleum products not regulated under Subtitle I of  
32 ~~RCRA~~RCRA, ~~(excluding~~excluding used motor and waste ~~oils)~~oils, the soils shall be  
33 considered hazardous waste until proven otherwise.
- 34 (3) ~~Site map. If required by G.S. 89C, a professional land surveyor shall provide location information~~  
35 ~~on boundaries and physical features not under the purview of other licensed professions. A sealed~~  
36 ~~map of the site~~ site map showing location information of boundaries and physical features with a

horizontal scale of one inch equals 100 feet or less and topographic contour intervals not exceeding 10 feet or 25 percent of total site relief, whichever is ~~less~~, and including the following:

[Note: The North Carolina Board of Examiners for Engineers and Surveyors has determined, via letter dated December 1, 2005, that locating boundaries and physical features, not ~~underpursuant to~~ the purview of other licensed professions, on maps pursuant to this Paragraph constitutes practicing surveying under G.S. 89C.]

(A) all property boundaries and all structures within the treatment, ~~storage~~, and land application ~~areas~~;

(B) the location of all wells, springs, lakes, ponds, or other surface drainage features within 500 feet of the waste disposal site;

(C) setbacks as required by Rule .1506 of this Section; and

(D) ~~any~~all residences or ~~place~~places of public assembly under separate ownership within 400 feet of the waste disposal ~~site~~;

(4) ~~for disposal sites encompassing more than one acre. Confirmation~~ that an erosion control plan has been submitted to the Division of Land Quality or its ~~designee, for disposal sites encompassing more than one acre.~~designee;

(5) ~~The~~the volume of contaminated soil to be ~~remediated~~; and

(6) ~~A~~ landowner agreement to allow the use of the property for the purpose of remediating contaminated soil. The agreement is not required when the permit applicant is the sole landowner.

(b) For soil remediation at minimum rates the following shall be submitted to the permitting agency by the applicant:

(1) a calculation of the area required for land ~~application~~, using the maximum application thickness of one ~~inch~~;

(2) an indication of cover ~~crop(s)~~; and

(3) proof of written notification in the form of certified mail return receipts to each city and county government having jurisdiction over any part of the land over which disposal is to occur.

(c) For soil remediation at conventional rates ~~(dedicated or non-dedicated sites)~~at dedicated or non-dedicated sites, the following shall be submitted to the permitting agency by the applicant:

(1) ~~A~~soils evaluation report of the disposal area to evaluate the soil to a depth of five feet. ~~If required by G.S. 89F, a soil scientist shall prepare this evaluation.~~ The report shall include:

[Note: The North Carolina Board for Licensing of Soil Scientists has determined, via letter dated December 1, 2005, that preparation of soils reports pursuant to this Paragraph constitutes practicing soil science ~~underpursuant to~~ G.S. 89F.]

(A) field descriptions of texture, color, and ~~structure~~;

(B) depth and thickness of soil ~~horizons~~;

(C) presence of any restrictive ~~horizons~~;

(D) depth to seasonal high water ~~table~~;

(E) soil pH and cation exchange ~~capacity~~; and

- 1 (F) estimates of liming and fertilization ~~requirements, requirements:~~
- 2 (2) ~~The~~ calculation of the size of the disposal area and thickness of ~~application, application:~~
- 3 (3) ~~A~~ description of the proposed cover ~~crop, crop:~~
- 4 (4) ~~A~~ site maintenance ~~plan, plan:~~
- 5 (5) ~~for dedicated sites only. Proposed~~ groundwater quality ~~monitor, monitoring~~ well ~~network~~
- 6 ~~(dedicated sites only)-network; and~~
- 7 (6) ~~Proof~~ proof of written notification in the form of certified mail return receipts to each city and county
- 8 government having jurisdiction over any part of the land over which disposal is to occur.
- 9 (d) For containment and treatment the following shall be submitted to the permitting agency by the applicant:
- 10 (1) ~~A~~ soils evaluation report of the disposal area to evaluate the soil to a depth of five feet. ~~If required~~
- 11 ~~by G.S. 89F, a soil scientist shall prepare this evaluation.~~ The report shall include:
- 12 [Note: The North Carolina Board for Licensing of Soil Scientists has determined, via letter dated
- 13 December 1, 2005, that preparation of soils reports pursuant to this Paragraph constitutes practicing
- 14 soil science ~~under~~ pursuant to G.S. 89F.]
- 15 (A) field descriptions of texture, color, and ~~structure, structure:~~
- 16 (B) depth and thickness of soil ~~horizons, horizons:~~
- 17 (C) presence of any restrictive ~~horizons, horizons:~~ and
- 18 (D) depth to seasonal high water ~~table, table:~~
- 19 (2) ~~The~~ plans and specifications of the soil containment vessel and any associated leachate collection
- 20 system, including the operating thickness of the soil to be contained and ~~treated, treated; and~~
- 21 (3) ~~A~~ description of the chemical or biological additives used in treating the contaminated soil.
- 22 (e) For containment and utilization at brick, asphalt, or other production facilities, a site management ~~plan, plan~~
- 23 consisting of a complete description of all operational procedures related to the handling of soils at the proposed
- 24 ~~facility, facility,~~ shall be submitted to the permitting agency by the applicant, including:
- 25 (1) a description of the staging ~~area(s), area or areas~~ designated for initial ~~receipts, placement~~
- 26 contaminated ~~soils, soils:~~
- 27 (2) the method of ~~emplacement of placing~~ the soils in the containment ~~area(s), area or areas:~~
- 28 (3) the average ~~residence time of time~~ the soils ~~will remain~~ in the containment ~~area(s), area or areas:~~
- 29 (4) the method of incorporation of the soils into the production facility's product ~~materials, materials:~~
- 30 and
- 31 (5) the method of containment and disposal of any leachate or runoff resulting from the containment
- 32 and storage of contaminated soils.
- 33 (f) For soil remediation using mobile or portable self-contained ~~facilities, facilities,~~ the following shall be submitted to
- 34 the permitting agency by the applicant:
- 35 (1) a description of the treatment ~~system to include system, including~~ procedures for controlling any
- 36 ~~vapors, vapors or~~ liquid or solid by-products of the treatment ~~process, process:~~
- 37 (2) the method by which any ~~by products, by-product~~ will be ~~disposed, disposed:~~

- 1 (3) the predicted average concentration of contaminants in the untreated soil,soil:  
2 (4) the sampling procedures and analytical methods by which the concentration(s)concentrations and  
3 type(s)types of contaminants in the treated soil will be determined,determined:  
4 (5) the method of disposal of the treated soil,soil: and  
5 (6) for applications proposing to stage soils, a description of the method proposed to prevent contact of  
6 contaminated soil with the environment.

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8 *History Note: Authority G.S. 143-215.1; 143-215.3(a);*

9 *Eff. September 1, ~~2006~~2006;*

10 *Readopted Eff. January 1, 2018.*



1 15A NCAC 02T .1505 is readopted with changes as published in 32:04 NCR 189 as follows:

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3 **15A NCAC 02T .1505 DESIGN CRITERIA**

4 (a) Land Application of Soils Containing Petroleum Products at Minimum Rates. ~~Petroleum-contaminated~~Petroleum-  
5 contaminated soils shall be incorporated into the native soils of the receiver site immediately upon application.  
6 ~~Liming, fertilization, and aeration of the soils mixture shall be optional.~~ Subsequent application of ~~petroleum~~  
7 ~~contaminated~~petroleum-contaminated soils onto the same receiver site shall not occur for at least 18 months from the  
8 date of the most recent application of ~~petroleum-contaminated~~petroleum-contaminated soils and shall cause the  
9 receiver site to be reclassified as a "dedicated site" unless the permittee or applicant can demonstrate, through soil  
10 sampling and contaminant analytical procedures pursuant to 15A NCAC 02H .0800, that the petroleum contaminant  
11 level in the upper eight inches of the receiver site soils is below either the ["soil-to-groundwater"]soil-to-groundwater  
12 contaminant concentrations or the residential maximum soil contaminant concentrations established by the  
13 Department pursuant to 15A NCAC 02L .0411, ~~whichever is lower.~~ ~~analytical detection levels.~~

14 (b) Land Application of Soil Containing Petroleum Products at Conventional Rates. Land application of soils  
15 containing petroleum products at an application thickness greater than one inch shall require fertilization, liming, and  
16 aeration of the ~~native soils and petroleum-contaminated soils mixture.~~mixture of native and petroleum-contaminated  
17 soils. Application thickness shall be based upon the nature of the receiver site soils, depth to the seasonal high water  
18 table, the intended cover crop, and the source of contamination. Operation of the land application program shall not  
19 result in contravention of groundwater or surface water standards. Subsequent application of ~~petroleum~~  
20 ~~contaminated~~petroleum-contaminated soils onto the same receiver site shall not occur for at least 18 months from the  
21 date of the most recent application of ~~petroleum-contaminated~~petroleum-contaminated soils and shall cause the  
22 receiver site to be reclassified as a "dedicated site" unless the permittee or applicant can demonstrate, through soil  
23 sampling and contaminant analytical procedures pursuant to 15A NCAC 02H .0800, that the petroleum contaminant  
24 level in the upper eight inches of the receiver site soils is below either the ["soil-to-groundwater"]soil-to-groundwater  
25 contaminant concentrations or the residential maximum soil contaminant concentrations established by the  
26 Department pursuant to 15A NCAC 02L .0411, ~~whichever is lower.~~ ~~analytical detection levels.~~

27 (c) Disposal of Soils Containing Petroleum Products at Dedicated Land Application Sites. Subsequent applications  
28 of ~~petroleum-contaminated~~petroleum-contaminated soils at dedicated sites shall not recur until such time as it can be  
29 demonstrated that additional applications of contaminated soils will not result in the contravention of any groundwater  
30 or surface water standards.

31 (d) ~~Containment and Treatment and Containment and Utilization~~Containment, Treatment and Containment, and Use  
32 of Contaminated Soil.

- 33 (1) A containment structure designed to bioremediate or volatilize contaminated soil shall be  
34 constructed of either a synthetic liner of at least 30 mils thickness or of a ~~one-foot thick~~one-foot-  
35 thick liner of natural ~~material.~~material compacted to at least 95 percent standard proctor dry density  
36 and with a permeability of less than  $1 \times 10^{-7}$  cm/sec.

- 1 (2) The bottom of the containment structure shall be at least three feet above the seasonal high water  
2 table or bedrock.
- 3 (3) A leachate collection system ~~must~~shall be installed in order to prevent runoff from the contaminated  
4 soils within the containment structure, or a cover shall be provided to avoid accumulation of  
5 stormwater within the containment structure.
- 6 (4) The containment structure shall be compatible with the chemical and physical properties of the  
7 contaminants involved.

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9 *History Note: Authority G.S. 143-215.1; 143-215.3(a);*  
10 *Eff. September 1, ~~2006~~2006;*  
11 *Readopted Eff. January 1, 2018.*

1 15A NCAC 02T .1506 is readopted with changes as published in 32:04 NCR 189 as follows:

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3 **15A NCAC 02T .1506 SETBACKS**

4 Remediation systems shall adhere to the following ~~setbacks and greater where necessary~~ setbacks, unless greater  
5 setbacks are required to comply with minimum horizontal distance requirements set by the Division pursuant to  
6 ~~Subchapter~~ 15A NCAC 02L .0107:

	Feet
8 Any habitable residence or place of public assembly under separate ownership or not to	
9 be maintained as part of the project site	100
10 Any well with the exception of a <del>Division approved</del> <del>Division approved</del> groundwater monitoring	
11 well	100
12 Surface waters <del>(streams— intermittent and perennial,(such as intermittent and perennial</del>	
13 <del>streams,</del> perennial waterbodies, and wetlands)	100
14 Surface water diversions <del>(ephemeral(such as ephemeral</del> streams, waterways, <del>and</del> ditches)	25
15 Groundwater lowering ditches (where the bottom of the ditch intersects the <del>SHWT)seasonal high</del>	
16 <del>water table)</del>	25
17 Subsurface <del>groundwater lowering</del> <del>groundwater-lowering</del> drainage systems	25
18 Any building foundation except treatment facilities	15
19 Any basement	15
20 Any property line	50
21 Any water line	10
22 Any swimming pool	100
23 Rock outcrops	25
24 Public right-of-way	50

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26 *History Note: Authority G.S. 143-215.1; 143-215.3(a);*  
27 *Eff. September 1, 2006-2006;*  
28 *Readopted Eff. January 1, 2018.*

1 15A NCAC 02T .1507 is readopted with changes as published in 32:04 NCR 189 as follows:

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3 **15A NCAC 02T .1507 CLOSURE REQUIREMENTS**

4 (a) A permit ~~must~~shall be ~~held~~held, and renewed if ~~necessary~~necessary, until such time that the soil remediation  
5 facility has satisfied all conditions for closure and the permitting agency has notified the permit holder that the facility  
6 has satisfied conditions necessary for closure and rescinded the permit. The permittee ~~must~~shall notify the permitting  
7 agency 30 days prior to the initiation of closure activities. This Rule does not apply to ~~deemed permitted facilities as~~  
8 ~~described in facilities that are deemed permitted pursuant to~~ Rule .1503 of this Section.

9 (b) A facility may be considered for closure ~~once~~if all of the following conditions have been satisfied:

10 (1) ~~Any and all~~All outstanding enforcement actions levied by the permitting agency have been resolved.

11 (2) Requirements for all other ~~related~~ on-site permitted activities have been met.

12 (3) For all land application ~~sites~~sites, the applicant shall provide to the permitting agency:

13 (A) ~~Demonstration~~a demonstration that no contaminant constituents in the groundwater exceed  
14 groundwater standards for dedicated and conventional rate land application ~~sites~~sites;

15 (B) ~~Demonstration~~a demonstration that all ~~remaining~~ contaminated soil has been remediated  
16 to below ~~either the ["soil to groundwater"]soil-to-groundwater contaminant concentrations~~  
17 ~~or the residential maximum soil contaminant concentrations established by the Department~~  
18 ~~pursuant to 15A NCAC 02L .0411, whichever is lower, detection levels.~~ The demonstration  
19 shall be based upon representative samples from the permitted ~~site~~site; and

20 (C) ~~If~~ a groundwater drainage system or surface waters are present on the site or within the  
21 compliance boundary, a demonstration that surface water ~~has not been impacted by~~does  
22 ~~not contain~~ contaminants at concentrations in excess of those established in Subchapter  
23 15A NCAC 02B.

24 (4) For facilities utilizing containment and treatment or portable self-contained treatment  
25 ~~systems~~systems:

26 (A) ~~Demonstration by the~~The applicant ~~shall demonstrate~~ to the permitting agency that all  
27 treated soil has been remediated to below ~~either the ["soil to groundwater"]soil-to-~~  
28 ~~groundwater contaminant concentrations~~ or the residential maximum soil contaminant  
29 concentrations established by the Department pursuant to 15A NCAC 02L .0411,  
30 ~~whichever is [lower]lower, detection levels.~~ based upon analysis of representative soil  
31 samples or is disposed of under Subparagraph (b)(4)(B) of this Rule.

32 (B) All remaining soil that contains contaminants at levels that exceed ~~either the ["soil to~~  
33 ~~groundwater"]soil-to-groundwater contaminant concentrations~~ or the residential maximum  
34 soil contaminant concentrations established by the Department pursuant to 15A NCAC  
35 02L .0411, whichever is ~~[lower]lower,~~ the method ~~detection levels must~~shall be disposed  
36 of at another permitted facility and the permitting agency ~~must~~shall be notified prior to  
37 transport.

1 (C) ~~Demonstration by the~~The applicant shall demonstrate to the permitting agency that the  
2 facility has been decontaminated based upon analysis of samples.

3 (5) For storage facilities, a demonstration that the storage facility has been decontaminated to below  
4 either the ~~["soil to groundwater"]~~soil-to-groundwater contaminant concentrations or the residential  
5 maximum soil contaminant concentrations established by the Department pursuant to 15A NCAC  
6 02L .0411, whichever is ~~[lower]~~lower, ~~detection levels~~ shall be submitted by the permittee to the  
7 Division. The demonstration shall be based upon analysis of pollutants identified in the  
8 contaminated soil as provided in Rule .1504(a)(1) of this Section.

9 (c) A facility that satisfies the conditions for closure may petition the permitting agency for ~~closure status~~  
10 ~~approval~~approval of closure and shall provide the following information:

- 11 (1) identification of the original permit ~~number~~ number authorizing the construction and operation of the soil  
12 remediation facility;
- 13 (2) the ~~reason(s)~~reason for closure of facility;
- 14 (3) the name and title of the ~~facility~~ contact;
- 15 (4) ~~sample analyses (tabulated and graphed)~~tabulated and graphed sample analyses for the last four  
16 groundwater sampling events prior to facility ~~shutdown~~shutdown, showing the concentrations of the  
17 parameters of concern ~~and~~and, if groundwater monitoring is required at a land application site,  
18 groundwater analytical results for sample collection to satisfy ~~[Subparagraph]~~Part (b)(3)(A) of this  
19 Rule; ~~Rule .1507(b)(3)(A);~~
- 20 (5) laboratory analytical results for soil samples collected from the treated ~~soil, which~~soil that have been  
21 analyzed by methods approved in accordance with Rule .1504(a)(1) of this Section;
- 22 (6) if a groundwater drainage ~~network (ditches)~~network, such as ditches, or surface waters are present  
23 on the site or within the compliance boundary, analytical results for surface water samples collected  
24 upstream of the facility, within the ~~facility if applicable,~~facility, and at a downstream location at the  
25 edge of the property to document that surface waters ~~have not been impacted;~~do not exceed the  
26 ~~surface water quality standards and criteria established in Subchapter 15A NCAC 02B;~~
- 27 (7) decontamination procedures for ~~any~~all treatment or containment ~~structure;~~structures;
- 28 (8) a sedimentation and erosion control plan, prepared in accordance with the Division of Energy,  
29 Mineral, and Land Resources requirements pursuant to Subchapter 15A NCAC 04B, if a plan to  
30 restore the site to pre-soil treatment conditions is proposed that will disturb an area of land equal to  
31 or greater than one acre;
- 32 (9) a map of the ~~facility~~facility, ~~which~~ that shows the size, orientation, and location of the facility  
33 relative to existing monitor wells, roads, structures, and other site features; and
- 34 (10) certification that the closure has been accomplished and that the information submitted is complete,  
35 ~~factual~~factual, and accurate.

36 (d) ~~Once the permitting agency has determined that all conditions required for site closure have been satisfied, the~~  
37 ~~permitting agency shall issue a notice stating that the permit for the facility has been rescinded and "closure status"~~

1 ~~has been granted.~~The permitting agency shall issue a notice approving the closure of a facility and stating that the  
2 permit for the facility has been rescinded if the permitting agency has determined that the facility has met all applicable  
3 requirements set forth in this Rule.

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5 *History Note: Authority G.S. 143-215.1; 143-215.3(a);*  
6 *Eff. September 1, 2006;*  
7 *Amended Eff. August 1, 2012 (see S.L. 2012-143, s.1.(f));*  
8 *Readopted Eff. January 1, 2018.*