

Burgos, Alexander N

Subject: FW: RRC Meeting December 2025 - Request for Technical Changes - 15A NCAC 02H .0804

From: Everett, Jennifer <jennifer.everett@deq.nc.gov>
Sent: Monday, December 8, 2025 4:20 PM
To: Miller, Christopher S <christopher.miller@oah.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>
Cc: Swanson, Beth <beth.swanson@deq.nc.gov>
Subject: RE: RRC Meeting December 2025 - Request for Technical Changes - 15A NCAC 02H .0804

Awesome, thanks!

Jennifer Everett
DEQ Rulemaking Coordinator
N.C. Depart. Of Environmental Quality
Office of General Counsel
1601 Mail Service Center
Raleigh, NC 27699-1601
Tele: (919)-707-8595
<https://www.deq.nc.gov/accessdeq/rules-regulations>

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties.

From: Miller, Christopher S <christopher.miller@oah.nc.gov>
Sent: Monday, December 8, 2025 4:14 PM
To: Everett, Jennifer <jennifer.everett@deq.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>
Cc: Swanson, Beth <beth.swanson@deq.nc.gov>; Miller, Christopher S <christopher.miller@oah.nc.gov>
Subject: RE: RRC Meeting December 2025 - Request for Technical Changes - 15A NCAC 02H .0804

Looks good – thanks. This will be the final version for RRC review and we will post it to the Meeting Agenda. I will let you know if I receive any preliminary questions on your rule from the Commission prior to the December 18th meeting.

Thanks again,
Chris

Burgos, Alexander N

Subject: FW: RRC Meeting December 2025 - Request for Technical Changes - 15A NCAC 02H .0804
Attachments: 15A NCAC 02H .0804.docx

From: Everett, Jennifer <jennifer.everett@deq.nc.gov>
Sent: Monday, December 8, 2025 1:50 PM
To: Miller, Christopher S <christopher.miller@oah.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Cc: Rules, Oah <oah.rules@oah.nc.gov>; Swanson, Beth <beth.swanson@deq.nc.gov>
Subject: RE: RRC Meeting December 2025 - Request for Technical Changes - 15A NCAC 02H .0804

Mr. Miller,
Requests to changes made. Attached is the final version.
Thank you.

Jennifer Everett
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1 15A NCAC 02H .0804 is amended with changes as published in 40:03 NCR 290 as follows:

2
3 **15A NCAC 02H .0804 PARAMETERS FOR WHICH CERTIFICATION MAY BE REQUESTED**

4 (a) Commercial Laboratories shall obtain Certification for Parameter Methods and Field Parameter Methods used to
5 generate data that will be reported by the client to the State in accordance with the rules of this Section. Municipal and
6 Industrial Laboratories shall obtain Certification for Parameter Methods and Field Parameter Methods used to generate
7 data that will be reported to the State in accordance with the rules of this Section. ~~Commercial Laboratories shall~~
8 ~~obtain Certification for Field Parameter Methods used to generate data that will be reported by the client to the State~~
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10 ~~Parameter Methods used to generate data that will be reported to the State in accordance with the rules of this Section.~~

11 (b) Inorganics: Each of the inorganic, physical characteristic, and microbiological analytes listed in this Paragraph
12 shall be considered a certifiable parameter. Analytical methods shall be determined from the sources listed in Rule
13 .0805(a)(1) of this Section. One or more analytical methods or Parameter Methods may be listed with a laboratory's
14 certified Parameters. Certifiable inorganic, physical characteristic, and microbiological Parameters are as follows:

- 15 (1) Acidity;
- 16 (2) Alkalinity;
- 17 (3) Biochemical Oxygen Demand;
- 18 (4) Bromide;
- 19 (5) Carbonaceous Biochemical Oxygen Demand;
- 20 (6) Chemical Oxygen Demand;
- 21 (7) Chloride;
- 22 (8) Chlorine, Free Available;
- 23 (9) Chlorine, Total Residual;
- 24 (10) Chlorophyll;
- 25 (11) Coliform, Fecal;
- 26 (12) Coliform, Total;
- 27 (13) Color;
- 28 (14) Conductivity/Specific Conductance;
- 29 (15) Cyanide;
- 30 (16) Dissolved Organic Carbon;
- 31 (17) Dissolved Oxygen;
- 32 (18) Enterococci;
- 33 (19) Escherichia Coliform (E. coli);
- 34 (20) Flash Point;
- 35 (21) Fluoride;
- 36 (22) Hardness, Total;
- 37 (23) Ignitability;

1 (24) Surfactants as Methylene Blue Active Surfactants;
 2 (25) Nitrogen, Ammonia;
 3 (26) Nitrogen, Nitrite plus Nitrate;
 4 (27) Nitrogen, Nitrate;
 5 (28) Nitrogen, Nitrite;
 6 (29) Nitrogen, ~~Total~~ Total;
 7 ~~(29)~~(30) Nitrogen, Total Kjeldahl;
 8 ~~(30)~~(31) Oil and Grease;
 9 ~~(31)~~(32) Orthophosphate;
 10 ~~(32)~~(33) Paint Filter Liquids;
 11 ~~(33)~~(34) pH;
 12 ~~(34)~~(35) Phenols;
 13 ~~(35)~~(36) Phosphorus, Total;
 14 ~~(36)~~(37) Residue, Settleable;
 15 ~~(37)~~(38) Residue, Total;
 16 ~~(38)~~(39) Residue, Total Dissolved;
 17 ~~(39)~~(40) Residue, Total Suspended;
 18 ~~(40)~~(41) Residue, Volatile;
 19 ~~(41)~~(42) Salinity;
 20 ~~(42)~~(43) Salmonella;
 21 ~~(43)~~(44) Silica;
 22 ~~(44)~~(45) Sulfate;
 23 ~~(45)~~(46) Sulfide;
 24 ~~(46)~~(47) Sulfite;
 25 ~~(47)~~(48) Temperature;
 26 ~~(48)~~(49) Total Organic Carbon;
 27 ~~(49)~~(50) Turbidity;
 28 ~~(50)~~(51) Vector Attraction Reduction: Option 1;
 29 ~~(51)~~(52) Vector Attraction Reduction: Option 2;
 30 ~~(52)~~(53) Vector Attraction Reduction: Option 3;
 31 ~~(53)~~(54) Vector Attraction Reduction: Option 4;
 32 ~~(54)~~(55) Vector Attraction Reduction: Option 5;
 33 ~~(55)~~(56) Vector Attraction Reduction: Option 6;
 34 ~~(56)~~(57) Vector Attraction Reduction: Option 7;
 35 ~~(57)~~(58) Vector Attraction Reduction: Option 8; and
 36 ~~(58)~~(59) Vector Attraction Reduction: Option 12.

(c) Metals: Each of the metals listed in this Paragraph shall be considered a certifiable Parameter. One or more Parameter Methods shall be listed with a laboratory's certified Parameters. Analytical methods shall be determined from the sources listed in Rule .0805(a)(1) of this Section. Certifiable metals are as follows:

- (1) Aluminum;
- (2) Antimony;
- (3) Arsenic;
- (4) Barium;
- (5) Beryllium;
- (6) Boron;
- (7) Cadmium;
- (8) Calcium;
- (9) Chromium, Hexavalent (Chromium VI);
- (10) Chromium, Total;
- (11) Chromium, Trivalent (Chromium III);
- (12) Cobalt;
- (13) Copper;
- (14) Hardness, Total (Calcium + Magnesium);
- (15) Iron;
- (16) Lead;
- (17) Lithium;
- (18) Magnesium;
- (19) Manganese;
- (20) Mercury;
- (21) Molybdenum;
- (22) Nickel;
- (23) Potassium;
- (24) Phosphorus;
- (25) Selenium;
- (26) Silica;
- (27) Silver;
- (28) Sodium;
- (29) Strontium;
- (30) Thallium;
- (31) Tin;
- (32) Titanium;
- (33) Vanadium; and
- (34) Zinc.

(d) Organics: Each of the organic Parameters listed in this Paragraph shall be considered a certifiable Parameter. One or more Parameter Methods shall be listed with a laboratory's certified Parameters. Analytical methods shall be determined from the sources listed in Rule .0805(a)(1) of this Section. Certifiable organic Parameters are as follows:

- (1) 1,2-Dibromoethane (EDB); 1,2-Dibromo-3-chloro-propane (DBCP); 1,2,3-Trichloropropane (TCP);
- (2) Acetonitrile;
- (3) Acrolein, Acrylonitrile;
- (4) Adsorbable Organic Halides;
- (5) Base/Neutral and Acid Organics;
- (6) Benzidines;
- (7) Chlorinated Acid Herbicides;
- (8) Chlorinated Hydrocarbons;
- (9) Chlorinated Phenolics;
- (10) Explosives;
- (11) Extractable Petroleum Hydrocarbons;
- (12) Haloethers;
- (13) N-Methylcarbamates;
- (14) Nitroaromatics and Isophorone;
- (15) Nitrosamines;
- (16) Nonhalogenated Volatile Organics;
- (17) Organochlorine Pesticides;
- (18) Organophosphorus Pesticides;
- (19) Per- and polyfluoroalkyl substances (PFAS);
- (20) Pharmaceutical [Pollutants] Pollutants pursuant to 40 CFR 136.3, Table IF;
- ~~(20)~~(21) Phenols;
- ~~(21)~~(22) Phthalate Esters;
- ~~(22)~~(23) Polychlorinated Biphenyls;
- ~~(23)~~(24) Polynuclear Aromatic Hydrocarbons;
- ~~(24)~~(25) Purgeable Aromatics;
- ~~(25)~~(26) Purgeable Halocarbons;
- ~~(26)~~(27) Purgeable Organics;
- ~~(27)~~(28) Total Organic Halides;
- ~~(28)~~(29) Total Petroleum Hydrocarbons – Diesel Range Organics;
- ~~(29)~~(30) Total Petroleum Hydrocarbons – Gasoline Range Organics; and
- ~~(30)~~(31) Volatile Petroleum Hydrocarbons.

History Note: Authority G.S. 143-215.3(a)(1); 143- 215.3(a)(10);

1 *Eff. February 1, 1976;*
2 *Amended Eff. November 2, 1992; December 1, 1984;*
3 *Temporary Amendment Eff. October 1, 2001;*
4 *Amended Eff. August 1, 2002;*
5 *Readopted Eff. July 1, ~~2019.~~ 2019;*
6 *Amended Eff. January 1, 2026; September 1, 2024.*

Burgos, Alexander N

Subject: FW: RRC Meeting December 2025 - Request for Technical Changes - 15A NCAC 02H .0804

From: Miller, Christopher S <christopher.miller@oah.nc.gov>

Sent: Monday, December 8, 2025 11:27 AM

To: Everett, Jennifer <jennifer.everett@deq.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Swanson, Beth <beth.swanson@deq.nc.gov>

Cc: Miller, Christopher S <christopher.miller@oah.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>

Subject: RE: RRC Meeting December 2025 - Request for Technical Changes - 15A NCAC 02H .0804

Thanks for the responses and edits. A few additional comments from me below:

- **Introductory Statement:** This should read as follows: “15A NCAC 02H .0804 is amended with changes as published in 40:03 NCR 290 as follows:”. Please update.
- **(d)(20):** Add a comma in between 40 CFR 136.3 and Table IF.
- **History Note, page 5, line 5:** Thank you for making this change. Please follow the highlighting, underlining, and strikethrough formatting rules to denote the change in the final rule version.

Please let me know if you have any questions. Once done, please send the final version of the rule to oah.rules@oah.nc.gov when you get a moment (with copy to me and Alex Burgos).

Best,
Chris

Chris Miller

Rules Review Commission Counsel

North Carolina Office of Administrative Hearings | Rules Division

1711 New Hope Church Road

Raleigh, NC 27609

(984) 236-1935

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Burgos, Alexander N

Subject: FW: RRC Meeting December 2025 - Request for Technical Changes - 15A NCAC 02H .0804
Attachments: 15A NCAC 02H .0804.docx; EMC Responses to Request for Changes - 15A NCAC 02H 0804 - Miller.docx

From: Everett, Jennifer <jennifer.everett@deq.nc.gov>
Sent: Friday, December 5, 2025 4:34 PM
To: Miller, Christopher S <christopher.miller@oah.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Swanson, Beth <beth.swanson@deq.nc.gov>
Subject: RE: RRC Meeting December 2025 - Request for Technical Changes - 15A NCAC 02H .0804

Hello Mr. Miller,

Attached are responses that address your technical change requests and the rewritten rule - 15A NCAC 02H .0804.

Thank you.

Jennifer Everett
DEQ Rulemaking Coordinator
N.C. Depart. Of Environmental Quality
Office of General Counsel
1601 Mail Service Center
Raleigh, NC 27699-1601
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REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Environmental Management Commission

RULE CITATION: 15A NCAC 02H .0804

DEADLINE FOR RECEIPT: Thursday, December 11, 2025

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

(a): Consider consolidating this language, if appropriate. Would the following not be accurate?

“Commercial Laboratories shall obtain Certification for Parameter Methods and Field Parameter Methods used to generate data that will be reported by the client to the State in accordance with the rules of this Section. Municipal and Industrial Laboratories shall obtain Certification for Parameter Methods and Field Parameter Methods used to generate data that will be reported to the State in accordance with the rules of this Section. ~~Commercial Laboratories shall obtain Certification for Field Parameter Methods used to generate data that will be reported by the client to the State in accordance with the rules of this Section. Municipal and Industrial laboratories shall obtain Certification for Field Parameter Methods used to generate data that will be reported to the State in accordance with the rules of this Section.~~”

Answer: The changes proposed have been made in the rule.

(b): Can you please point me to the “Parameter Method” or the “analytical method ... from the sources listed in Rule .0805(a)(1)” used for Total Nitrogen testing?

Answer: The parameter method for Total Nitrogen testing is in Rule .0805(a)(1)(B): Standard Methods for the Examination of Water and Wastewater.

(b)(29): Add a semi-colon after “Nitrogen, Total”.

Answer: The change proposed has been made in the rule.

(d): Can you please point me to the “Parameter Method” or the “analytical method ... from the sources listed in Rule .0805(a)(1)” used for Pharmaceutical Pollutants testing?

Answer: The parameter method for Pharmaceutical Pollutants testing is in Rule .0805(a)(1)(A): 40 CFR Part 136.

Christopher S. Miller
Commission Counsel

Date submitted to agency: December 3, 2025

(d)(20): Does “Pharmaceutical Pollutants” need a definition? Is this term used elsewhere in your Rules or statutes?

Answer: Pharmaceutical Pollutants are defined in 40 CFR Part 136 (the designated parameter method per 15A NCAC 02H .0805(a)(1)(A)), and specifically listed in 40 CFR 136.3, Table IF. A reference to 40 CFR 136.3, Table IF has been added to the rule.

(d)(20): Add a semi-colon after “Pharmaceutical Pollutants”.

Answer: The change proposed has been made in the rule.

History Note, page 5, line 5: The period should be changed to a semi-colon.

Answer: The change has been made.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

1 15A NCAC 02H .0804 is amended as published in 40:03 NCR 290 with changes as follows:

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3 **15A NCAC 02H .0804 PARAMETERS FOR WHICH CERTIFICATION MAY BE REQUESTED**

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- 20 (6) Chemical Oxygen Demand;
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- 23 (9) Chlorine, Total Residual;
- 24 (10) Chlorophyll;
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- (5) Beryllium;
- (6) Boron;
- (7) Cadmium;
- (8) Calcium;
- (9) Chromium, Hexavalent (Chromium VI);
- (10) Chromium, Total;
- (11) Chromium, Trivalent (Chromium III);
- (12) Cobalt;
- (13) Copper;
- (14) Hardness, Total (Calcium + Magnesium);
- (15) Iron;
- (16) Lead;
- (17) Lithium;
- (18) Magnesium;
- (19) Manganese;
- (20) Mercury;
- (21) Molybdenum;
- (22) Nickel;
- (23) Potassium;
- (24) Phosphorus;
- (25) Selenium;
- (26) Silica;
- (27) Silver;
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- (30) Thallium;
- (31) Tin;
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- (14) Nitroaromatics and Isophorone;
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- (16) Nonhalogenated Volatile Organics;
- (17) Organochlorine Pesticides;
- (18) Organophosphorus Pesticides;
- (19) Per- and polyfluoroalkyl substances (PFAS);
- (20) Pharmaceutical [Pollutants] Pollutants pursuant to 40 CFR 136.3 Table 1F;
- ~~(20)~~(21) Phenols;
- ~~(21)~~(22) Phthalate Esters;
- ~~(22)~~(23) Polychlorinated Biphenyls;
- ~~(23)~~(24) Polynuclear Aromatic Hydrocarbons;
- ~~(24)~~(25) Purgeable Aromatics;
- ~~(25)~~(26) Purgeable Halocarbons;
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- ~~(27)~~(28) Total Organic Halides;
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- ~~(29)~~(30) Total Petroleum Hydrocarbons – Gasoline Range Organics; and
- ~~(30)~~(31) Volatile Petroleum Hydrocarbons.

History Note: Authority G.S. 143-215.3(a)(1); 143- 215.3(a)(10);

1 *Eff. February 1, 1976;*
2 *Amended Eff. November 2, 1992; December 1, 1984;*
3 *Temporary Amendment Eff. October 1, 2001;*
4 *Amended Eff. August 1, 2002;*
5 *Readopted Eff. July 1, 2019;*
6 *Amended Eff. January 1, 2026; September 1, 2024.*

Burgos, Alexander N

From: Everett, Jennifer
Sent: Wednesday, December 3, 2025 3:33 PM
To: Miller, Christopher S; Swanson, Beth
Cc: Burgos, Alexander N
Subject: RE: RRC Meeting December 2025 - Request for Technical Changes - 15A NCAC 02H .0804

Thanks Mr. Miller,
We will be in touch.

Jennifer Everett
DEQ Rulemaking Coordinator
N.C. Depart. Of Environmental Quality
Office of General Counsel
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Sent: Wednesday, December 3, 2025 3:17 PM
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Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Miller, Christopher S <christopher.miller@oah.nc.gov>
Subject: RRC Meeting December 2025 - Request for Technical Changes - 15A NCAC 02H .0804

Good afternoon,

I'm the attorney who reviewed the rule submitted by the Environmental Management Commission for the December 2025 RRC meeting. The RRC will formally review the rule at its meeting on Thursday, December 18, 2025, at 10:00 a.m. The meeting will be a hybrid of in-person and WebEx attendance, and an evite should be sent to you as we get close to the meeting. If there are any other representatives from your agency who want to attend virtually, please let me know prior to the meeting, and we will get evites out to them as well.

Attached is the Request for Changes pursuant to G.S. 150B-21.10. Please submit the responses and revised rule to me via email, no later than 5 p.m. on December 11, 2025. Let me know if you have any questions.

Thanks,
Chris

Chris Miller

Rules Review Commission Counsel
North Carolina Office of Administrative Hearings | Rules Division
1711 New Hope Church Road
Raleigh, NC 27609
(984) 236-1935

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