

15A NCAC 02L .0100 Rules
(Effective June 1, 2022)
Brief Summary of the Substantive Changes

2L .0102 Definitions

- Added definitions for the following words for clarification:
 - Active remediation, Anthropogenic, Background threshold values, Chief Administrative Officer, Compliance zone, Constituent of interest, Control, Licensed soil scientist, Secretary (to include their designee), and Waste Disposal System (to help clarify the application of the Compliance Boundary)
- Added “waters of the State” to the definition for receptor. This was implied before so this is just a clarification.
- Revised the definition of Practical Quantitation Limit.
- Changed definition of Review boundary to state that the Director “may” require groundwater monitoring.

2L .0104 Restricted Designation (RS)

- Fixed the rule to make it more of a process than is spelled out in the current Rule.

2L .0106 Corrective Action

- Changed title to “Initial Response, Site Assessment, and Corrective Action”.
- Made into more of a step-by-step process by reorganizing rules.
- Moved monitoring requirements to Rule .0110.
- Moved report requirements to Rule .0111.
- Deleted old Paragraph (e) as it was essentially identical to paragraph (d) with the exception of the December 30, 1983 date.
 - Also deleted the December 30, 1983 date as the Department essentially requires the same process for sites that are both permitted and “deemed not permitted.”
- New Paragraph (d)(1) – the Director “may require” groundwater monitoring at the review boundary.
- Revised old Paragraphs (f), (g), and (h) – These are now “active remediation,” “natural attenuation,” and “risk-based,” respectively. These are the three remedial options that were and are still available for responsible parties.
 - With the above-three remedial choices, we deleted old Paragraph (k)
 - This was the “K CAP” where corrective action started with active remediation down to certain concentration that is then terminated by Secretary upon request. The remainder of corrective action takes the form of natural attenuation. Within the active remediation Paragraph, we keep the option to discontinue active remediation at a certain point and continue with natural attenuation under new Paragraph (h).
- Removed the wording about monitoring “1-year’s travel time upgradient of a receptor” and “five-years travel time downgradient of the plume.”

2L .0107 Compliance Boundary

- Minor reorganization to make the Rule flow better.
- Added that the compliance boundary shall remain in place for the duration of the permit.
- Added protections for surface water where applicable.
- Introduced the concept of compliance zone for certain rules (the area between the compliance boundary and the waste boundary). This just helps define that area without having to make a reference to the “area within the compliance boundary.”
- Allows multiple contiguous properties to be treated as a single property. This is taken from General Statute 143-215.1(i).
- Allows combining of compliance boundaries where they intersect. This is taken from General Statute 143-215.1(i).
- For potential violations within the compliance boundary, we eliminated the exception for limestones with the Coastal Plain and made it general for all bedrock. We still kept the provision for allowing a demonstration that the violation will not affect a receptor.

2L .0110 Monitoring

- Moved monitoring requirement from .0106 to this rule.
- Allows the Director to require additional monitoring of any constituent of interest if it is in the best interest of the public or the environment.
- Added protections for surface water.
- Provides a timeframe for the duration of monitoring programs. **If concentrations are at or below the standards for four consecutive quarters, the responsible party can get a “No Further Action” letter.**

2L .0111 Reports

- Moved reporting requirements from .0106 to this rule.
- Added some specific items to what is required in site assessment reports and corrective action plans. These are items that we have deemed necessary for a complete and thorough report that better satisfies the Rule. These items are generally provided by environmental consultants although not currently required by the Rule.