

The Division of Water Resources (DWR) Standard Operating Procedure (SOP) for Establishing Interim Maximum Allowable Concentrations (IMACs) per 15A NCAC 02L .0202 (c)

The DWR will use the protocol outlined in this SOP to establish, update, or remove IMACs in accordance with 15A NCAC 02L .0202 (c) and to make appropriate recommendations to the NC Environmental Management Commission (EMC or Commission) for the establishment of new groundwater standards in place of IMACs or for the expiration of IMACs.

1. The requestor will submit relevant toxicological and epidemiological data, study results, and calculations in accordance with Paragraphs (d) and (e) of this Rule to request the establishment, update, or removal of an IMAC. When an IMAC request is received, it is reviewed by DWR Classifications & Standards/Rules Review Branch (CS/RRB) staff for completeness and to determine whether the information submitted is appropriate. If the information submitted is not in accordance with Paragraphs (d) and (e) of this Rule, the Director of DWR will request additional information from the requestor. If the requester does not provide the additional information necessary, the Director will return the request.
2. If the information submitted by the requestor is in accordance with Paragraphs (d) and (e) of this Rule, DWR will provide public notice and opportunity for comment at least 30 days prior to acting on this request. The public notice will include: the request for the establishment, update, or removal of the IMAC for a substance, the level of the proposed IMAC, which is calculated by the Division of Water Resources in accordance with Paragraphs (d) and (e) of this Rule, if applicable the level of the existing IMAC, and the basis upon which DWR has relied in development of the proposed IMAC establishment, update, or removal. This notice will be posted on the Division's [website](#) and emailed to interested parties (Groundwater IMAC mailing list sign-up is available on the Division's [website](#)).
3. DWR CS/RRB will perform a technical review of the request. The DWR's ***Standard Operating Procedure (SOP) for Reviewing Groundwater Standards*** will be used to provide consistency and transparency in the review process. All relevant toxicological and epidemiological data, study results, and calculations used to establish or update an IMAC in accordance with 15A NCAC 02L .0202(c) will be documented as follows and archived by CS/RRB staff:

IMAC Calculation Worksheet - a Microsoft Excel worksheet will be developed and maintained for each IMAC and will include the numerical values and scientific references for each of the six criteria used to establish a standard in accordance with .0202(d). The Calculation Worksheet calculates a non-cancer systemic threshold concentration and a concentration corresponding to a 1×10^{-6} (one-in-a-million) cancer risk according to .0202(d) requirements. It also contains the numerical values found in the literature for taste and odor thresholds, federal Maximum Contaminant Limits (MCLs) and secondary drinking water standards.

Supporting Information – a Microsoft Word document will be developed for each IMAC summarizing the major uses, health effects, and toxicity references used to establish or update an

IMAC. The Word document will also provide information justifying the removal of an IMAC, if needed.

4. A copy of the IMAC Calculation Worksheet and the Supporting Information based on the IMAC request will be sent to the Department of Health and Human Services (DHHS) Division of Public Health (DPH) and the Division of Waste Management (DWM) for review and comment as provided in the DWR's ***Standard Operating Procedure (SOP) for Reviewing Groundwater Standards***.
5. DWR CS/RRB will make an IMAC recommendation to the Director. If the Director of the Division of Water Resources finds the establishment, update or removal will not degrade the quality of the groundwaters, will not likely cause or contribute to pollution of the waters of the state, and will be protective of public health, then the Director will establish, update, or remove the IMAC. The Director will return the IMAC request if the request does not meet these requirements. The Director will take action on an IMAC request within 180 calendar days of receipt, unless the requestor agrees, in writing, to a longer period.
6. If an IMAC is established, updated or removed, the IMAC list on DWR's [website](#) will be updated and the Commission will be notified in writing within 30 calendar days and at the next regularly scheduled Commission meeting.
7. Within 12 months of establishing an IMAC pursuant to .0202(c), the Director will make a recommendation to the Commission whether:
 - a. a new groundwater standard in place of the IMAC should be established; or
 - b. the IMAC should expire.

If the Commission initiates rulemaking to adopt a new groundwater standard in place of the IMAC, then the IMAC will remain in effect unless it expires under .0202(c)(7).

8. An IMAC will expire upon the earliest of:
 - a. the date the Commission declines to initiate rulemaking to adopt a new groundwater standard in place of the IMAC;
 - b. the effective date of a Rule adopted by the Commission establishing a new groundwater standard in place of the IMAC; or
 - c. after initiating rulemaking pursuant to .0202(c)(6)(C), the date the Commission declines to adopt a new groundwater standard in place of the IMAC.

For any IMAC that expires prior to the adoption by the Commission of a new groundwater standard in place of the IMAC, any person may request an IMAC be established again based on new information in accordance with .0202(d) and (e) that was not included in the original IMAC request to the Director or new site information that was not included in the original IMAC request to the Director.

9. The Director will provide an annual update to the Commission on the status of pending IMAC requests and any IMACs that have been established, updated, or removed during the previous calendar year.

10. Hard copies of supporting information for IMAC packages are available for review in IMAC Notebooks maintained by DWR CS/RRB staff in the Archdale Bldg. Electronic copies are archived on the CS/RRB shared drive.

Richard E. Rogers, Jr. 5-16-2022

Richard Rogers, Director, Division of Water Resources