TITLE 15A – DEPARTMENT OF ENVIRONMENTAL QUALITY

Notice *is hereby given in accordance with G.S. 150B-21.2 that the Environmental Management Commission intends to amend the rule cited as 15A NCAC 02H .0804.*

Link to agency website pursuant to G.S. 150B-19.1(c): *https://deq.nc.gov/about/divisions/water-resources/water-resources-science-and-data/water-sciences-home-page/chemistry-laboratory/laboratory-certification-branch*

Proposed Effective Date: *March 1, 2023*

Public Hearing:
Date: *November 29, 2022*
Time: *6:00 p.m.*
Location: *Ground Floor Hearing room in the Archdale Building, 512 North Salisbury Street, Raleigh, NC 27603*

Reason for Proposed Action:
A multitude of emerging contaminants broadly known as "Per- and Polyfluoroalkyl Substances (PFAS)" are of great concern for NC regulators and the general public at large. DEQ anticipates requiring many permitted facilities to test for this class of compounds in the near future. Permits require analyses to be performed by certified laboratories (i.e., certified by NC WW/GW Laboratory Certification Branch). EPA method 1633 "Analysis of Per- and Polyfluoroalkyl Substances (PFAS) in Aqueous, Solid, Biosolids, and Tissue Samples by LC-MS/MS" will allow testing for 40 PFAS target analytes and is anticipated to be promulgated within the year. The NC WW/GW Laboratory Certification Branch does not currently have the authority to certify for the parameter known as "PFAS". This parameter must be added to Certification rule 15A NCAC 02H .0804 (d).
Analysis of "Organic Fluorine" provides an aggregate measurement of chemical substances that contain carbon-fluorine bonds.

This analysis is especially useful for understanding the presence and forms of PFAS in wastewater when used in conjunction with methods that target individual PFAS compounds. This analysis may also be useful in confirming the need for remediation of sites where PFAS contaminated is suspected. The NC WW/GW Laboratory Certification Branch does not currently have the authority to certify for the parameter known as "Organic Fluorine". This parameter must be added to Certification rule 15A NCAC 02H .0804 (d).

Comments may be submitted to: *Laboratory Certification Branch Manager, 1623 Mail Service Center, Raleigh, NC 27699-1623; email CertificationRuleComments@ncdenr.gov*

Comment period ends: *December 2, 2022*

Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission after the adoption of the Rule. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 984-236-1850.

Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.
☒ **State funds affected**
☐ **Local funds affected**
☐ **Substantial economic impact (>= $1,000,000)**
☒ **Approved by OSBM**
☐ **No fiscal note required**

CHAPTER 02 - ENVIRONMENTAL MANAGEMENT

SUBCHAPTER 02H - PROCEDURES FOR PERMITS: APPROVALS

SECTION .0800 – LABORATORY CERTIFICATION

15A NCAC 02H .0804 PARAMETERS FOR WHICH CERTIFICATION MAY BE REQUESTED
(a) Commercial Laboratories shall obtain Certification for 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 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.

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

(1) Acidity;
(2) Alkalinity;
(3) Biochemical Oxygen Demand;
(4) Bromide;
(5) Carbonaceous Biochemical Oxygen Demand;
(6) Chemical Oxygen Demand;
(7) Chloride;
(8) Chlorine, Free Available;
(9) Chlorine, Total Residual;
(10) Chlorophyll;
(11) Coliform, Fecal;
(12) Coliform, Total;
(13) Color;
(14) Conductivity/Specific Conductance;
(15) Cyanide;
(16) Dissolved Organic Carbon;
(17) Dissolved Oxygen;
(18) Enterococci;
(19) Escherichia Coliform (E. coli);
(20) Flash Point;
(21) Fluoride;
(22) Hardness, Total;
(23) Ignitability;
(24) Surfactants as Methylene Blue Active Surfactants;
(25) Nitrogen, Ammonia;
(26) Nitrogen, Nitrite plus Nitrate;
(27) Nitrogen, Nitrate;
(28) Nitrogen, Nitrite;
(29) Nitrogen, Total Kjeldahl;
(30) Oil and Grease;
(31) Orthophosphate;
(32) Paint Filter Liquids;
(33) pH;
(34) Phenols;
(35) Phosphorus, Total;
(36) Residue, Settleable;
(37) Residue, Total;
(38) Residue, Total Dissolved;
(39) Residue, Total Suspended;
(40) Residue, Volatile;
(41) Salinity;
(42) Salmonella;
(43) Silica;
(44) Sulfate;
(45) Sulfide;
(46) Sulfite;
(47) Temperature;
(48) Total Organic Carbon;
(49) Turbidity;
(50) Vector Attraction Reduction: Option 1;
(51) Vector Attraction Reduction: Option 2;
(52) Vector Attraction Reduction: Option 3;
(53) Vector Attraction Reduction: Option 4;
(54) Vector Attraction Reduction: Option 5;
(55) Vector Attraction Reduction: Option 6;
(56) Vector Attraction Reduction: Option 7;
(57) Vector Attraction Reduction: Option 8; and
(58) 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) Organic Fluorine;
~~(17)~~(18) Organochlorine Pesticides;
~~(18)~~(19) Organophosphorus Pesticides;
(20) Per- and Polyfluoroalkyl Substances (PFAS);
~~(19)~~(21) Phenols;
~~(20)~~(22) Phthalate Esters;
~~(21)~~(23) Polychlorinated Biphenyls;
~~(22)~~(24) Polynuclear Aromatic Hydrocarbons;
~~(23)~~(25) Purgeable Aromatics;
~~(24)~~(26) Purgeable Halocarbons;
~~(25)~~(27) Purgeable Organics;
~~(26)~~(28) Total Organic Halides;

~~(27)~~(29) Total Petroleum Hydrocarbons – Diesel Range Organics;
~~(28)~~(30) Total Petroleum Hydrocarbons – Gasoline Range Organics; and
~~(29)~~(31) Volatile Petroleum Hydrocarbons.

History Note: *Authority G.S. 143-215.3(a)(1); 143-215.3(a)(10);*
Eff. February 1, 1976;
Amended Eff. November 2, 1992; December 1, 1984;
Temporary Amendment Eff. October 1, 2001;
Amended Eff. August 1, 2002;
Readopted Eff. July 1, 2019.