

**15A NCAC 02S .0509 NO FURTHER ACTION CRITERIA**

(a) A "No Further Action" notice documents the Division's decision that the site has been assessed and remediated, and that the site conditions pose no unacceptable risks as long as the recorded land-use restrictions are maintained.

The Division shall issue a "No Further Action" notice if each of the following criteria is met:

- (1) risk-based screening levels or site-specific target levels for each chemical of concern have been achieved, and, if applicable, plant and animal receptors and their habitats have been protected;
- (2) monitoring of the groundwater plume for at least one year following a complete site characterization as described in 15A NCAC 02S .0504 shows that the plume is not expanding, and concentrations of chemicals of concern in groundwater exhibit a stable or decreasing trend based on all available data representative of the entirety of the groundwater plume; and
- (3) all required land-use restrictions and notices pursuant to G.S. 143-215.104M have been filed in the office of the register of deeds of the county or counties in which the property described is located.

(b) The Division shall not issue a "No Further Action" notice if the Division has determined that it is technically impracticable pursuant to 15A NCAC 02S .0507 to remediate the site to risk-based screening levels or site-specific target levels.

(c) If site conditions change or additional information becomes available to the Division to indicate that the "No Further Action" notice no longer applies, the site poses an unacceptable risk to human health, safety, or the environment, or the land-use restrictions imposed in accordance with G.S. 143-215.104M are violated, the Division may rescind the "No Further Action" notice and require further remedial action at the site.

*History Note: Authority G.S. 143-215.104D; 143-215.104M;  
Eff. September 1, 2007;  
Readopted Eff. September 1, 2018.*