

15A NCAC 13B .1635 ASSESSMENT OF CORRECTIVE MEASURES

(a) Within 90 days of finding that one or more Appendix II constituents exceeded, for two consecutive sampling events, either the groundwater quality standards established in 15A NCAC 02L .0202, the groundwater protection standards established in accordance with Rule .1634(b) of this Section, or an approved background value, the owner or operator shall initiate assessment of corrective action measures. Such an assessment shall be completed within 120 days.

(b) The owner or operator shall continue to monitor in accordance with the approved assessment monitoring program.

(c) The owner or operator shall analyze the effectiveness of potential corrective measures in meeting all of the requirements and objectives of the remedy as described under Rule .1636 of this Section. The owner or operator shall address the following, as provided for in 40 CFR 258:

- (1) the performance, reliability, ease of implementation, and potential impacts of potential remedies, including safety impacts, cross-media impacts, and control of exposure to any residual contamination;
- (2) the time required to begin and complete the remedy;
- (3) the costs of remedy implementation; and
- (4) the institutional requirements such as State and local permit requirements or other environmental or public health requirements that may affect implementation of the remedy(s).

(d) Within 120 days of completion of the assessment of corrective measures as set forth in Paragraph (a) of this Rule and prior to the selection of a remedy, the owner or operator shall discuss the results of the assessment of corrective measures in a public meeting with interested and affected parties. The owner or operator shall provide a public notice of the meeting at least 30 days prior to the meeting. The notice shall include the time, place, date, and purpose of the public meeting. A copy of the public notice shall be forwarded to the Division at least five days prior to publication. Public notice shall be provided to interested and affected parties by the following methods:

- (1) publication on the owner or operator's official business website and social media websites;
- (2) posting in the post office and public places of the municipalities nearest the site under consideration, or on the websites of these public places;
- (3) a news release by a local news organization serving the county where the site under consideration is located; and
- (4) to persons requesting notification, sending to the mailing address or e-mail address provided by those persons.

*History Note: Authority G.S. 130A-294;
Eff. October 9, 1993;
Amended Eff. May 1, 2011;
Readopted Eff. September 16, 2021;
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