

Action Item: 16-11 Presentation of Hearing Officers Report and Recommendation to Adopt Proposed Amendments to 15A NCAC 2L .0106 (Groundwater Corrective Action)

Explanation: Presentation of proposed amendments to 15A NCAC 02L .0106 (Groundwater Corrective Action) for adoption. The proposed amendments are intended to clarify existing rule language. They will not change the timeliness or extent of groundwater cleanups compared to current implementation of the existing rule, nor would it change the expenses incurred by the state or remediating parties.

In accordance with Session Law 2014-122 (the Coal Ash Management Act of 2014), the Environmental Management Commission (EMC) has reviewed its compliance boundary and corrective action rules in 15A NCAC 2L for clarity and consistency. The EMC reported the results of that review to the Environmental Review Commission (ERC) in a report dated November 13, 2014. In the review, the EMC identified five clarity or consistency issues in Rule 15A NCAC 2L .0106 that require that rule to be revised and directed DWR to begin the process of permanent rulemaking to address these issues. The proposed amendments address the five clarity or consistency issues identified in the report to the ERC.

Recommendation: Staff recommends that the Commission adopts the proposed amended Groundwater Corrective Action rules.