

1 15A NCAC 13B .1633 is proposed for amendment as published in 25:04 NCR 478 as follows:

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3 **15A NCAC 13B .1633 DETECTION MONITORING PROGRAM**

4 (a) Detection monitoring is required at MSWLF units at all ground-water monitoring wells that are part of the
5 detection monitoring system as established in the approved monitoring plan. At a minimum, the detection
6 monitoring program shall include monitoring for the constituents listed in Appendix I of 40 CFR Part 258.

7 “Appendix I Constituents for Detection ~~Monitoring~~, Monitoring” (Appendix I), is incorporated by reference
8 including subsequent amendments and editions. Copies of this material may be inspected or obtained at the
9 Department of ~~Environment, Health, Environment~~ and Natural Resources, Division of ~~Solid Waste Management,~~
10 ~~401 Oberlin Road, Management,~~ Raleigh, North Carolina at no cost.

11 (b) The monitoring frequency for all Appendix I detection monitoring constituents shall be at least semiannual
12 during the life of the facility (including closure) and the post-closure period. A minimum of four independent
13 samples from each well (background and downgradient) shall be collected and analyzed for the Appendix I
14 constituents during the first semiannual sampling event. At least one sample from each well (background and
15 downgradient) shall be collected and analyzed during subsequent semiannual sampling events.

16 (c) If the owner or operator determines that there is ~~a statistically significant increase over background an~~
17 exceedance of the ground-water protection standards, as defined in Paragraph (g) or (h) of Rule.1634 for one or
18 more of the constituents listed in Appendix I of this Rule at any monitoring well at the relevant point of compliance,
19 the owner or operator:

- 20 (1) Shall, within 14 days of this finding, report to the Division and place a notice in the operating
21 record indicating which constituents have shown statistically significant changes from background
22 levels;
- 23 (2) Shall establish an assessment monitoring program meeting the requirements of this Section within
24 90 days except as provided for in Subparagraph (3) of this Paragraph; Rule .1633(e)(3); and
- 25 (3) ~~The owner or operator may~~ May demonstrate that a source other than a MSWLF unit caused the
26 ~~contamination or that the statistically significant increase~~ exceedance, or the exceedance resulted
27 from an error in sampling, analysis, statistical evaluation, or natural variation in ground-water
28 quality. A report documenting this demonstration shall be ~~certified by a Licensed Geologist or~~
29 ~~Professional Engineer and~~ approved by the Division. If required by G.S. 89C or G.S. 89E, a
30 professional engineer or licensed geologist shall prepare these documents. [Note: The North
31 Carolina Board of Examiners for Engineers and Surveyors and the Board of Licensing of
32 Geologist has determined, via letters dated January 1, 2011 and November 30, 2010 respectively,
33 that preparation of documents pursuant to this Paragraph constitutes practicing engineering or
34 geology under G.S 89C and G.S 89E.] A copy of this report shall also be placed in the operating
35 record. If a successful demonstration is made, documented, and approved by the Division, the
36 owner or operator may continue detection monitoring. If after 90 days, a successful demonstration

1 is not made, the owner or operator shall initiate an assessment monitoring program as required by
2 this Section.

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4 *History Note: Authority G.S. 130A-294;*

5 *Eff. October 9, 1993.*

6 *Amended Eff. January 1, 2011.*