



SUMMARY AND RECOMMENDATION
OF THE HEARING OFFICERS
(15A NCAC 2L .0107...Compliance Boundary)

INTRODUCTION

It is the policy of the Environmental Management Commission that the best usage of the State's groundwaters is as a potential source of drinking water. To this end the Commission is empowered to require permits to mitigate the impact of known pollution sources. Where contamination has occurred, 15A NCAC 2L .0107 specifies the requirements for permitted disposal systems in the State. These requirements include the creation of a geographic boundary around the disposal system referred to as a Compliance Boundary. This boundary is the limit at which water quality standards may not be exceeded for permitted facilities under G.S. 143-215.1 and those permitted by the Department of Human Resources.

Under the existing rules, a compliance boundary may not extend across property boundaries. The sale or transfer of portions of land which comprise a compliance boundary diminishes the amount of area available for treatment since the compliance boundary must be adjusted to reflect new property boundaries. This adjustment of the compliance boundary is detrimental to the permittee as the smaller compliance boundary makes efficient waste treatment difficult increasing the possibility of noncompliance with groundwater standards.

The proposed amendments will allow the compliance boundary to remain unchanged when any part of it is transferred to a new owner, thus requiring no reduction in the area within which controlled waste treatment is permitted without penalty.

Public hearings on amendments to 15A NCAC 2L. 0107 were held in New Bern, Raleigh and Hickory on May 18th, 26th and the 28th respectively.

RULE SUMMARY

The proposed amendments to 15A NCAC 2L .0107 are intended to modify the compliance boundary requirements so that permittees can maintain a fixed environmental compliance boundary after subdivision or conveyance of the property. Upon the sale or transfer of property within a compliance boundary, the permittee is required to meet the following conditions:

- 1) The Deed of transfer must reserve future access for the permittee and the State. This provision is to allow for remediation and monitoring of the area;

- 2) The water supply needs of the land under transfer would have to be served by a community water system outside the compliance boundary;
- 3) No water supply wells would be allowed inside the boundary;
and
- 4) The permit for the disposal system would have to be filed in the local registrar of deeds office.

MAJOR PUBLIC CONCERNS

Although a total of seventy (70) people attended the public hearings **no public comment was volunteered concerning this issue.** Only two (2) persons submitted comments in writing. Comments received were mainly requests to clarify the rules. One comment was made in support of the proposed changes to 15A NCAC 2L .0107.

HEARING OFFICERS RECOMMENDATIONS

The Hearing Officers recommend that the proposed amendments as presented in the public notice be adopted by the Environmental Management Commission.