

Agenda Item: 17-45 **Request Approval of Hearing Officer's Report and Readoption of Permanent Rules with Amendments in 15A NCAC 02T Section .1500**

Explanation:

The Division of Waste Management seeks EMC approval of the Hearing Officer's Report and EMC readoption of 15A NCAC 02T Section .1500. The rules will be readopted pursuant to G.S. 150B-21.3A. In addition, rulemaking amendments are based on stakeholder input to only require soil remediation to soil-to-groundwater or residential standards, whichever is lower.

DWM staff presented the proposed readoption of rules with amendments in 15A NCAC 02T Section .1500 during the July 13, 2017 EMC meeting and received approval to proceed with public notice and hearing for the proposed amendments in 15A NCAC 02T Section .1500.

A public hearing was held in Raleigh, NC on August 30, 2017, to take public comments on proposed readoption of rules with amendments in 15A NCAC 02T Section .1500. Ms. Carin Kromm, Winston-Salem Regional Office UST Section Supervisor, was appointed and acted as the Hearing Officer during the hearing. The public comment period for the proposed readoption of rules with amendments in 15A NCAC 02T Section .1500 closed on October 16, 2017.

No comments were received during the public comment period.

DWM staff requested a pre-review by staff counsel to the Rules Review Commission (RRC) on the proposed rules in 15A NCAC 02T Section .1500. RRC staff counsel provided their pre-review comments in March 2017. These comments have been incorporated into the proposed rules.

Recommendation:

That the EMC approve the Hearing Officer's Report and Fiscal Note, and that the EMC readopt the permanent rules with amendments in 15A NCAC 02T Section .1500.