

15A NCAC 02T .1507 CLOSURE REQUIREMENTS

(a) A permit shall be held, and renewed if necessary, until such time that the soil remediation facility has satisfied all conditions for closure and the permitting agency has notified the permit holder that the facility has satisfied conditions necessary for closure and rescinded the permit. The permittee shall notify the permitting agency 30 days prior to the initiation of closure activities. This Rule does not apply to facilities that are deemed permitted pursuant to Rule .1503 of this Section.

(b) A facility may be considered for closure if all of the following conditions have been satisfied:

- (1) All outstanding enforcement actions levied by the permitting agency have been resolved.
- (2) Requirements for all other on-site permitted activities have been met.
- (3) For all land application sites, the applicant shall provide to the permitting agency:
 - (A) a demonstration that no contaminant constituents in the groundwater exceed groundwater standards for dedicated and conventional rate land application sites;
 - (B) a demonstration that all contaminated soil has been remediated to below either the soil-to-groundwater contaminant concentrations or the residential maximum soil contaminant concentrations established by the Department pursuant to 15A NCAC 02L .0411, whichever is lower. The demonstration shall be based upon representative samples from the permitted site; and
 - (C) if a groundwater drainage system or surface waters are present on the site or within the compliance boundary, a demonstration that surface water does not contain contaminants at concentrations in excess of those established in Subchapter 15A NCAC 02B.
- (4) For facilities utilizing containment and treatment or portable self-contained treatment systems:
 - (A) The applicant shall demonstrate to the permitting agency that all treated soil has been remediated to below either the soil-to-groundwater contaminant concentrations or the residential maximum soil contaminant concentrations established by the Department pursuant to 15A NCAC 02L .0411, whichever is lower, based upon analysis of representative soil samples or is disposed of under Subparagraph (b)(4)(B) of this Rule.
 - (B) All remaining soil that contains contaminants at levels that exceed either the soil-to-groundwater contaminant concentrations or the residential maximum soil contaminant concentrations established by the Department pursuant to 15A NCAC 02L .0411, whichever is lower, shall be disposed of at another permitted facility and the permitting agency shall be notified prior to transport.
 - (C) The applicant shall demonstrate to the permitting agency that the facility has been decontaminated based upon analysis of samples.
- (5) For storage facilities, a demonstration that the storage facility has been decontaminated to below either the soil-to-groundwater contaminant concentrations or the residential maximum soil contaminant concentrations established by the Department pursuant to 15A NCAC 02L .0411, whichever is lower, shall be submitted by the permittee to the Division. The demonstration shall be based upon analysis of pollutants identified in the contaminated soil as provided in Rule .1504(a)(1) of this Section.

(c) A facility that satisfies the conditions for closure may petition the permitting agency for approval of closure and shall provide the following information:

- (1) identification of the original permit number authorizing the construction and operation of the soil remediation facility;
- (2) the reason for closure of facility;
- (3) the name and title of the facility contact;
- (4) tabulated and graphed sample analyses for the last four groundwater sampling events prior to facility shutdown, showing the concentrations of the parameters of concern and, if groundwater monitoring is required at a land application site, groundwater analytical results for sample collection to satisfy Part (b)(3)(A) of this Rule;
- (5) laboratory analytical results for soil samples collected from the treated soil that have been analyzed by methods approved in accordance with Rule .1504(a)(1) of this Section;
- (6) if a groundwater drainage network, such as ditches, or surface waters are present on the site or within the compliance boundary, analytical results for surface water samples collected upstream of the facility, within the facility, and at a downstream location at the edge of the property to document that surface waters do not exceed the surface water quality standards and criteria established in Subchapter 15A NCAC 02B;

- (7) decontamination procedures for all treatment or containment structures;
 - (8) a sedimentation and erosion control plan, prepared in accordance with the Division of Energy, Mineral, and Land Resources requirements pursuant to Subchapter 15A NCAC 04B, if a plan to restore the site to pre-soil treatment conditions is proposed that will disturb an area of land equal to or greater than one acre;
 - (9) a map of the facility that shows the size, orientation, and location of the facility relative to existing monitor wells, roads, structures, and other site features; and
 - (10) certification that the closure has been accomplished and that the information submitted is complete, factual, and accurate.
- (d) The permitting agency shall issue a notice approving the closure of a facility and stating that the permit for the facility has been rescinded if the permitting agency has determined that the facility has met all applicable requirements set forth in this Rule.

History Note: Authority G.S. 143-215.1; 143-215.3(a);
Eff. September 1, 2006;
Amended Eff. August 1, 2012 (see S.L. 2012-143, s.1.(f));
Readopted Eff. January 1, 2018.