

October 4, 2024

N.C. DEQ Division of Water Resources, Attn: Bridget Shelton
 DWR Planning Section
 1611 Mail Service Center
 Raleigh, NC 27699-1611

RE: Interim Maximum Allowable Concentrations (IMACs) for 8 PFAS for Groundwater

Dear Director Rogers,

On September 4, 2024, North Carolina Department of Environmental Quality’s (NCDEQ) Division of Water Resources (DWR) provided notice and opportunity for comment on a request to establish Interim Maximum Allowable Concentrations (IMACs) for eight per- and polyfluoroalkyl substances (PFAS) for groundwater pursuant to 15A NCAC 02L .0202(c). While the IMACs are not subject to the rulemaking process under G.S. 150B, we are seeking clarification and guidance so that businesses and the regulated community can properly implement compliance and monitoring systems in accordance with the IMACs, set to be established on October 15, 2024.

The following proposed IMAC values will apply to Class GA and GSA groundwaters:

Substance	Acronym	CAS Number	Concentration (ng/L)
Perfluorooctane sulfonic acid	PFOS	1763-23-1	0.7*
Perfluorooctanoic acid	PFOA	335-67-1	0.001*
Hexafluoropropylene oxide dimer acid	HFPO-DA (GenX)	13252-13-6	10
Perfluorobutane sulfonic acid	PFBS	375-73-5	2,000
Perfluorononanoic acid	PFNA	375-95-1	10
Perfluorohexane sulfonic acid	PFHxS	355-46-4	10
Perfluorobutanoic acid	PFBA	375-22-4	7,000
Perfluorohexanoic acid	PFHxA	307-24-4	4,000

* The proposed IMACs for PFOA and PFOS are below detection level or the Practical Quantitation Limit (PQL). A measurement at or above the current PQL of 4 ng/L for PFOA and PFOS as reported in EPA Test Method 1633 would constitute an exceedance of the proposed IMAC for that chemical.

NCDEQ will receive comments on or before October 4, 2024, allowing for a minimum of 30 days to submit comments. In addition, the public notice states, “In accordance with 15A NCAC 02L .0202(c), the DWR Director intends to establish IMACs for eight PFAS at the values listed above on October 15, 2024.” While there is no required period

between closing public comments and establishing IMACs pursuant to 15A NCAC 02L .0202(c), the pre-meditated intention to establish the IMACs 9 days after the comment period closes, gives the impression that the public's concerns raised during the comment period will not be adequately addressed before the October 15, 2024, establishment date. The short window does not provide ample time for the regulated community to prepare for implementation.

The 8 groundwater IMACs will impact several regulatory programs under the Division of Waste Management (DWM) and the DWR as described in the Fiscal and Regulatory Impact Analysis Amendment to 15A NCAC 02L .0202 for groundwater quality standards (RIA):

- Brownfields
- Underground Storage Tank
- Superfund
- Solid Waste
- Hazardous Waste
- Non-Discharge
- Underground Injection Control

The regulated community has not received any guidance on implementation of the IMACs and its impact across these regulatory programs. 15A NACA 02L .0100 and .0200 do not describe assessment and monitoring implementation practices for IMACs. We are requesting responses to the following questions, seeking clarification and guidance regarding implementation of the IMACs.

- Will NCDEQ prioritize the regulatory programs based on potential or suspected PFAS? If yes, how will NCDEQ communicate to the regulated community their prioritization?
- How will NCDEQ notify the permittees and applicants for each of the above programs about the establishment of the IMACs?
- There are emerging technologies to help remove PFAS out of water. How will the need for these technologies affect the permitting process and timeline for the above programs? Will there be a timeline to enact remediation?
- Where PFAS contamination has been identified, will NCDEQ identify responsible parties and require action if receptors are identified? What criteria will NCDEQ utilize to "determine who are the responsible parties"?
- Will permitted facilities be required to conduct and update a receptor survey?
- Certain types of DWM sites have an option of "Risk-Based Remediation." What constitutes "risk-based remediation" for IMACs? When may a risk-based remedy be applicable? What will the criteria be for a risk-based approach for the 8 IMACs?

- How will addition of these IMACs affect sites already under active remediation? closed sites? Will there be any post-closure monitoring?
- What analytical methods are recommended when conducting laboratory analysis?
- Has NCDEQ certified any laboratory in North Carolina for EPA Method 1633?
- Will NCDEQ establish a standard operating procedure for the regulated community on how to collect the groundwater samples?

The business and regulated communities support the cleanup of PFAS in the environment. To ensure we adhere to the best science and risk management practices, we kindly seek clarification on the above questions. It is imperative that we protect both the quality of life and business competitiveness in North Carolina. We request the DWR respond in a timely manner as the October 15, 2024, establishment date does not allow for the regulated community to fully vet an IMAC strategy.

Sincerely,

Alyssa Morrissey

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