

December 19, 2024

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

RE: Proposed Amendments to 15A NCAC 02L .0202 Groundwater Quality Standards

Dear Ms. Shelton,

The NC Chamber appreciates the opportunity to provide public comment on the North Carolina Department of Environmental Quality's (NCDEQ) proposed amendments to 15A NCAC 02L .0202 Groundwater Quality Standards. Groundwater standards are the maximum allowable concentrations resulting from any discharge of contaminants to the land or waters of the state, which may be tolerated without creating a threat to human health or which would otherwise render the groundwater unsuitable for its intended best usage. The proposed amendments seek to establish groundwater standards for three per- and polyfluoroalkyl substances (PFAS). While we welcome the opportunity to provide public comment in accordance with G.S. 150B, we want to remind the NCDEQ of its obligation to fully review and consider all public comments.

The NCDEQ is proposing to establish Class GA groundwater standards¹ as follows:

Substance	Chemical Abstracts Service (CAS) Registry Number	Standard (µg/L unless otherwise indicated)
Hexafluoropropylene oxide dimer acid (HFPO-DA)	13252-13-6	10 ng/L
Perfluorooctanoic acid (PFOA)	335-67-1	0.001 ng/L
Perfluorooctane sulfonic acid (PFOS)	1763-23-1	0.7 ng/L

The NC Chamber submitted a letter on October 3, 2024² in response to the notice of public comment regarding the request to establish Interim Maximum Allowable Concentrations (IMACs) for eight PFAS for groundwater pursuant to 15A NCAC 02L .0202(c). The letter requested clarification and guidance in the form of specific questions so that the business

¹ [North Carolina Register. Vol. 39, Issue 09. November 1, 2024. "15A NCAC 02L .0202 Groundwater Quality Standards."](#)

² [NC Chamber. "Interim Maximum Allowable Concentrations for 8 PFAS for Groundwater." October 3, 2024](#)

and regulated communities could properly develop and implement compliance and monitoring systems. However, the NC Chamber has yet to receive a response from NCDEQ.

To test for the detection of PFAS in groundwater, the EPA recommends the use of Method 1633, published in January 2024, for determining 40 PFAS in aqueous, solids, biosolids, and tissue samples. However, Method 1633 is not sufficiently sensitive to detect or quantify concentrations as low as those proposed as standards for PFOS and PFOA. For the purposes of the proposed amendments, the proposed compliance levels for PFAS utilizing EPA Method 1633 are as follows³:

PFAS	Proposed 02L .0202(h) Standard	Existing 02L .0202(c) Limit- Current PQL*	Proposed Compliance Levels
PFOA	0.001	4	PQL**
PFOS	0.7	4	PQL**
HFPO-DA (GenX)	10	5	10

* PQLs based on national laboratory validation results as documented in U.S. EPA’s Method 1633.

** The applicable regulatory limit will be the PQL per 15A NCAC 02L .0202(c), unless or until the PQL decreases to a level that is at or below the proposed standard, if adopted. The PQL at the time of this rulemaking for PFOA and PFOS is 4 ng/L, as described in the note above and shown in the third column of the table. However, the PQL can vary based on laboratory capability or over time. Any changes or variability to the PQL could occur under either the existing rule language or the proposed rule language, and in both cases, the PQL would be the regulatory limit for PFOA and PFOS, at whatever level or value the PQL is when reported.

By NCDEQ intentionally establishing the PFOS and PFOA standards below the PQL, the compliance level effectively becomes the PQL. These proposed compliance levels are undoubtedly contrary to what the NCDEQ claims is its goal of establishing certainty for the regulated community. NCDEQ clearly acknowledged that the PQL is unreliable and inconsistent, disingenuously stating, “It is also important for the regulated community to have some greater certainty regarding what levels of these compounds would be required for clean-up that is more reliable and/or consistent than the current/existing requirement of having the practical quantitation limit (PQL) as the regulatory limit, since PQLs may change over time with changes in technology in lab equipment.”⁴

By setting proposed compliance levels at the PQL, NCDEQ unequivocally reneges on its notion of creating certainty as a PQL-based compliance level is inherently uncertain. NCDEQ has instead continued to mislead the regulated community by creating an effective standard that defaults to the PQL. NCDEQ perpetuates uncertainty by its failure to respond to the NC Chamber’s October 3rd comment letter in which it requested specific

³ ["Fiscal and Regulatory Impact Analysis Amendment to 15A NCAC 02L .0202." August 14, 2024.](#)

⁴ *Ibid.*

information on laboratory analytical methods and the existence of Method 1633- certified laboratories in North Carolina.

The business and regulated communities support the cleanup of PFAS in the environment by adhering to the best science and risk management practices. 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 to the questions presented in the NC Chamber's October 3rd letter and to the comments laid out in this letter.

Sincerely,

Alyssa Morrissey

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