

BLUE RIDGE ENVIRONMENTAL DEFENSE LEAGUE

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May 3, 2007

Ms. Delonda Alexander
Division of Waste Management
401 Oberlin Road
Suite 150
Raleigh, NC 27605

Re: Proposed Rules for Dry-Cleaning Solvent Cleanup Standards

Dear Ms. Alexander:

The proposal to adopt rules using a risk-based approach to remediate sites contaminated by dry-cleaning operations raises questions about the cleanup of areas polluted by other categories of pollution sources. For instance, legislation now being considered in the General Assembly to clean up orphan landfills includes this provision:

SECTION 15.(b) G.S. 130A-310.6 is amended by adding a new subsection to read:

"§ 130A-295.9. Solid waste disposal fee; use of proceeds.

"(c) The Secretary shall develop and implement a remedial action plan for orphan landfills. Environmental and human health risks posed by an orphan landfill may be mitigated using a risk-based approach for assessment and remediation."

And this one:

SECTION 15.(c) G.S. 130A-310.11 reads as rewritten:

"§ 130A-310.11. Inactive Hazardous Sites Cleanup Fund created.

(a) There is established under the control and direction of the Department the Inactive Hazardous Sites Cleanup Fund. This fund shall be a revolving fund consisting of any monies appropriated for such purpose by the General Assembly or available to it from grants, taxes, and other monies paid to it or recovered by or on behalf of the Department. The Inactive Hazardous Sites Cleanup Fund shall be treated as a nonreverting special trust fund and shall be credited with interest by the State Treasurer pursuant to G.S. 147-69.2 and G.S. 147-69.3.

(b) Funds credited to the Inactive Hazardous Sites Cleanup Fund pursuant to G.S. 130A-295.9 shall be used only as provided in G.S. 130A-309.295.9(c)."

Contaminated sites that threaten the state's groundwater must be cleaned up regardless of the origin of the contamination. However, the Commission should not adopt rules that lower the level of protection provided by North Carolina's current standards under 15A NCAC 2L:

15A NCAC 02L .0202 GROUNDWATER QUALITY STANDARDS

- (a) The groundwater quality standards for the protection of the groundwaters of the state are those specified in this Rule. They 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.

Communities now at risk from past practices by industry deserve more than tiered risk-based cleanup rules that assume higher levels of pollution will be safe enough for them. Adoption of this approach for dry cleaners opens the door for additional weakening of North Carolina's 2L Rules. We urge the Commission to find safer solutions to this problem.

Thank you for the opportunity to comment.

Sincerely,

David Mickey
Blue Ridge Environmental Defense League