

**Letter to the North Carolina Environmental Management Commission  
On the Proposed Dry-Cleaning Solvent Cleanup Act Risk-based Rule  
Proposed Amendments to Rules 15A NCAC 2S .0101, .0102**

Tuesday, July 10, 2007

Dear Dr. Moreau and members of the Environmental Management Commission:

We write on behalf of our organizations to implore you to protect North Carolina's groundwater by maintaining the 2L standards. Preserve the intent and function of our state's 2L rules and assure that ground water will be safe for use as drinking water. Approval of the rules as drafted would create a loophole in the existing NC groundwater standards. It would establish an unreasonable and dangerous risk-based approach to assessment, prioritization and remediation under the Dry-cleaning Solvent Cleanup Act. We ask that the NC Environmental Management Commission reject the proposed risk-based rule for dry-cleaning solvent contamination, which would carve out this loophole in our groundwater standards and even allow groundwater pollution underlying neighbors' property.

The proposed risk-based rule now under discussion would allow soil and groundwater at contaminated dry-cleaning sites to remain untreated forever. This risk-based approach contravenes 15A NCAC 2L, which is quite clear as to the scope and intent of state groundwater standards [15A NCAC 2L .0101 (b) and 15A NCAC 2L .0103 (b)]. Further, the 2L "RS designation" [15A NCAC 02L .0104] contains ample provisions—including monitoring, special orders, variances etc.—which would provide for remediation of the contaminated sites identified by the Dry-cleaning Solvent Cleanup Act and would meet the EMC's obligation under the Act.

Property owners who have the right to maintain or restore clean groundwater would not be protected by the draft rule. The General Assembly directed the Commission to adopt rules based on the risk-based approach on dry-cleaning sites alone; nowhere does the statute (NCGS 143-215.104D) grant authority to exceed standards for health protection and safe drinking water on properties adjacent to or otherwise away from dry-cleaning sites. In other words, the draft rule improperly expands the risk-based approach to the property of landowners who are in no way culpable or liable for the contamination. An inverse condemnation of private property is not and could not be the intent of the statute.

In addition, the draft rules permit flawed methods of remediation. We are opposed to any technical or political methodology which allows soil and groundwater contaminated by dry-cleaning sites to remain untreated. Further, safe and economical alternatives for cleaning clothing are commercially available which do not use toxic perchloroethylene. We advocate the phased out elimination of the use of perchloroethylene as a dry cleaning solvent.

North Carolina's population is expected to grow from its present 8.7 million to 11.5 million by 2026. This 32% growth is tantamount to adding four new Charlotte's or four new Raleigh-Durham-Chapel Hill's. In an era of stressed and over-allocated surface water resources, where will clean drinking water for an additional 2.8 million people come from? The rule for protection of our groundwater must remain inviolate for future generations of North Carolinians.

Sincerely,



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