

1 15A NCAC 02N .0102 is amended with changes as published in 31:09 NCR 810-824 as follows:

2
3 **15A NCAC 02N .0102 COPIES OF REFERENCED FEDERAL REGULATIONS**

4 (a) Copies of ~~the applicable Code of Federal Regulations~~ Regulations, Sections 40 CFR 280.10-280.252 and Appendices
5 Part 280 **(80 FR 41624 – 41625, October 13, 2015)** for this Subchapter, may be obtained at [www.ecfr.gov/cgi-](http://www.ecfr.gov/cgi-bin/ECFR?page=browse)
6 [bin/ECFR?page=browse](http://www.ecfr.gov/cgi-bin/ECFR?page=browse) at no cost. sections referred to in this Subchapter are available for public inspection at Department
7 of Environment, Health and Natural Resources regional offices. They are:

- 8 — (1) — ~~Asheville Regional Office, Interchange Building, 59 Woodfin Place, Post Office Box 370, Asheville, North~~
9 ~~Carolina 28802;~~
10 — (2) — ~~Winston Salem Regional Office, Suite 100, 8025 North Point Boulevard, Winston Salem, North Carolina~~
11 ~~27106;~~
12 — (3) — ~~Mooresville Regional Office, 919 North Main Street, Mooresville, North Carolina 28115;~~
13 — (4) — ~~Raleigh Regional Office, 3800 Barrett Drive, Post Office Box 27687, Raleigh, North Carolina 27611;~~
14 — (5) — ~~Fayetteville Regional Office, Wachovia Building, Suite 714, Fayetteville, North Carolina 28301;~~
15 — (6) — ~~Washington Regional Office, 1424 Carolina Avenue, Farish Building, Washington, North Carolina 27889;~~
16 — (7) — ~~Wilmington Regional Office, 7225 Wrightsville Avenue, Wilmington, North Carolina 28403.~~

17 (b) ~~Copies of such regulations can be made at these regional offices for ten cents (\$0.10) per page.~~

18
19 *History Note:* ~~Statutory Authority G.S. 12-3-1(e); 143-215.3(a)(15); 143B-282(2)(h)~~ 143B-282(a)(2)(h);
20 ~~Eff. January 1, 1991. 1991;~~
21 Amended Eff. June 1, 2017.

1 15A NCAC 02N .0202 is amended with changes as published in 31:09 NCR 810-824 as follows:

2

3 **15A NCAC 02N .0202 ~~INTERIM PROHIBITION FOR DEFERRED~~ INSTALLATION REQUIREMENTS**
4 **FOR PARTIALLY EXCLUDED UST SYSTEMS**

5 The ~~provisions for~~ regulations governing "~~Interim Prohibition for deferred~~ Installation ~~"Installation~~ requirements for
6 partially excluded UST systems" ~~contained set forth~~ in 40 CFR 280.11 (Subpart A) ~~have been adopted by reference in~~
7 accordance with G.S. 150B-14(e) ~~are hereby incorporated by reference.~~

8

9 *History Note:* ~~Statutory Authority G.S. 143-215.3(a)(15); 143B-282(2)(h)~~ 143B-282(a)(2)(h); 150B-14(e) 150B-21.6;
10 Eff. January 1, 1991; 1991;
11 Amended Eff. June 1, 2017.

1 15A NCAC 02N .0303 is amended with changes as published in 31:09 NCR 810-824 as follows:

2
3 **15A NCAC 02N .0303 NOTIFICATION REQUIREMENTS**

4 The regulations governing "Notification requirements" ~~contained set forth~~ in 40 CFR 280.22 (Subpart B) have been adopted
5 are hereby incorporated by reference ~~reference, in accordance with G.S. 150B-14(e)~~ except that:

6 (1) ~~Any owner~~ Owners and operators of an UST system ~~must~~ shall submit to the Division, on forms provided
7 by the Division, a notice of intent to conduct any of the following activities:

8 (a) ~~Installation~~ notice of installation of a new UST ~~system; system or UST system component shall~~
9 be in accordance with Rule .0902 of this Subchapter;

10 (b) ~~notice of Installation~~ installation of a leak detection device installed outside of the outermost
11 wall of the tank and piping, such as vapor detection or groundwater monitoring ~~devices; and~~
12 devices, shall be given at least 30 days before the activity [is begun] begins. The notice shall be
13 provided on form "UST-8 Notification of Activities Involving Underground Storage Tank
14 Systems," which may be accessed free of charge at 16 Activities Involving Underground Storage Tank Systems" shall include:

17 (i) the same information provided in Appendix I to 40 CFR 280, except that Sections X
18 (2) and (3), and Section XI shall not be included on the form;

19 (ii) operator identification and contact information;

20 (iii) number of tank compartments and tank compartment identity, capacity, and product
21 stored;

22 (iv) identity of tanks that are manifold together with piping;

23 (v) stage I Vapor Recovery equipment type and installation date;

24 (vi) corrosion protection methods for metal flexible connectors, submersible pumps, and
25 riser pipes;

26 (vii) UST system and UST system component installation date, manufacturer, model, and
27 leak detection monitoring method;

28 (viii) spill containment equipment installation date, manufacturer, model, and leak detection
29 monitoring method;

30 (ix) overflow prevention equipment installation date, manufacturer, and model; and

31 (x) leak detection equipment manufacturer and model;

32 (c) ~~notice of Permanent~~ permanent closure or change-in-service of an UST ~~system; system shall be~~
33 given at least 30 days before the activity [begins] begins, unless a North Carolina Professional
34 Engineer or North Carolina Licensed Geologist retained by the owner or operator to provide
35 professional services for the tank closure or change-in-service submits the notice. A North
36 Carolina Professional Engineer or North Carolina Licensed Geologist may submit the notice at
37 least five business days before the activity begins. The notice shall be provided on form "UST-

1 3 Notice of Intent: UST Permanent Closure or Change-in-Service,” which may be accessed
2 free of charge at [5 \(i\) owner identification and contact information;](http://deq.nc.gov/about/divisions/waste-management/underground-storage-</u>
3 <u>tanks-section/forms. Form “UST-3 Notice of Intent: UST Permanent Closure or Change-in-</u>
4 <u>Service” shall include:</u></p></div><div data-bbox=)

6 (ii) site location information;

7 (iii) site contact information;

8 (iv) contractor and consultant identification and contact information;

9 (v) identity of UST systems to be permanently closed or that will undergo a change-in-
10 service;

11 (vi) for permanent closure, the proposed method of UST System closure – removal or fill
12 in-place;

13 (vii) for a change-in-service, the new contents to be stored;

14 (viii) proposed UST system closure or change-in-service date; and

15 (ix) signature of UST system owner;

16 (d) notice of a change of ownership of a UST system pursuant to 40 CFR 280.22(b) shall be
17 provided on form “UST-15 Change of Ownership of UST System(s),” which may be accessed
18 free of charge at [20 \(i\) the same information provided in Appendix II to 40 CFR 280;](http://deq.nc.gov/about/divisions/waste-management/underground-storage-</u>
19 <u>tanks-section/forms. Form “UST-15 Change of Ownership of UST System(s)” shall include:</u></p></div><div data-bbox=)

21 (ii) site location information;

22 (iii) notarized signature of the new owner of an UST system;

23 (iv) name and notarized signature of the previous owner of an UST system; and

24 (v) appended information shall include documentation of an UST system ownership
25 transfer such as a property deed or bill of sale and for a person signing the form on
26 behalf of another, such as an officer of a corporation, administrator of an estate,
27 representative of a public agency, or as having power of attorney, documentation
28 showing that the person can legally sign in such capacity.

29 ~~(2) Notification as required in Paragraph (1) of this Rule shall be given at least 30 days before the activity is~~
30 ~~begun except as authorized by the Director.~~

31 ~~(3)~~(2) Owners and operators of UST systems that were in the ground on or after May 8, 1986, were required to
32 notify the Division in accordance with the Hazardous and Solid Waste Amendments of 1984, Public Law
33 98-616, on a form published by the Environmental Protection Agency on November 8, 1985 (50-FR
34 46602) ~~46602~~, unless notice was given pursuant to Section 103(c) of CERCLA. Owners or operators
35 who have not complied with the notification requirements ~~may shall~~ complete the appropriate ~~the form,~~
36 ~~provided by the Division,~~ form “UST-8 Notification of Activities Involving Underground Storage Tank
37 Systems” and submit the form to the Division.

1 (4)(3) Beginning October 24, 1988, any person who sells a tank intended to be used as an ~~underground storage~~
2 ~~tank must~~ UST shall notify the purchaser of such tank of the ~~owners's~~ owner's notification obligations
3 under ~~Paragraphs Item (1) and (2)~~ of this Rule.

4 (5)(4) Any reference in 40 CFR Part 280 to the notification form in Appendix I shall refer to the North Carolina
5 notification form ~~approved by the Division and EPA~~ "UST-8 Notification of Activities Involving
6 Underground Storage Tank Systems".

7
8 *History Note:* ~~Statutory Authority G.S. 143-215.3(a)(15); 143B-282(2)(h)~~ 143B-282(a)(2)(h); 150B-14(e) 150B-21.6;
9 Eff. January 1, 1991, 1991;
10 Amended Eff. June 1, 2017.

1 15A NCAC 02N .0304 is amended as published in 31:09 NCR 810-824 as follows:

2
3 **15A NCAC 02N .0304 IMPLEMENTATION SCHEDULE FOR PERFORMANCE STANDARDS FOR NEW**
4 **UST SYSTEMS AND UPGRADING REQUIREMENTS FOR EXISTING UST SYSTEMS LOCATED IN AREAS**
5 **DEFINED IN RULE .0301(d)**

6 (a) The following implementation schedule shall apply only to owners and operators of UST systems located within
7 areas ~~defined~~ described in Rule .0301(d) of this Section. This implementation schedule shall ~~be used by the Department~~
8 ~~for govern~~ tank owners and operators ~~to comply~~ in complying with the secondary containment requirements ~~contained~~ set
9 forth in Rule .0301(d) for new UST systems and the secondary containment requirements ~~contained~~ set forth in Rule
10 .0302(a) for existing UST systems.

- 11 (1) All new UST systems and replacements to an UST system shall be provided with secondary
12 containment as of April 1, 2001.
- 13 (2) All steel or metal connected piping and ancillary equipment of an UST, regardless of date of
14 installation, shall be provided with secondary containment as of January 1, 2005.
- 15 (3) All fiberglass or non-metal connected piping and ancillary equipment of an UST, regardless of date of
16 installation, shall be provided with secondary containment as of January 1, 2008.
- 17 (4) All UST systems installed on or before January 1, 1991 shall be provided with secondary containment
18 as of January 1, 2008.
- 19 (5) All USTs installed after January 1, 1991, and prior to April 1, 2001, shall be provided with secondary
20 containment as of January 1, 2020. Owners of USTs located within 100 to 500 feet of a public water
21 supply well, if the well serves only a single facility and is not a community water ~~system~~ system, may
22 seek a variance in accordance with Paragraphs (d) through (i) of this Rule.

23 (b) All owners and operators of UST systems shall implement the following enhanced leak detection monitoring as of
24 April 1, 2001. The enhanced leak detection monitoring shall consist of the following:

- 25 (1) ~~Installation of an~~ An automatic tank gauging system for each UST;
- 26 (2) ~~Installation of an~~ An electronic line leak detector for each pressurized piping system;
- 27 (3) ~~Conducting one~~ One 0.1 gallon per hour (gph) test per month or one 0.2 gph test per week on each
28 UST system;
- 29 (4) ~~Conducting a~~ A line tightness test capable of detecting a leak rate of 0.1 gph, once per year for each
30 suction piping system. No release detection ~~is~~ shall be required for suction piping that is designed and
31 constructed in accordance with 40 CFR ~~280.41(b)(2)(i) through (v);~~ 280.41(b)(1)(ii)(A) through (E);
- 32 (5) If the UST system is located within 500 feet of a public water supply well or within 100 feet of any
33 other well supplying water for human consumption, owners or operators shall sample the water supply
34 well at least once per year. The sample collected from the well shall be characterized in accordance
35 with:
 - 36 (A) Standard Method 6200B, Volatile Organic Compounds Purge and Trap Capillary-Column
37 Gas Chromatographic/Mass Spectrometric Method, which is incorporated by ~~reference,~~

1 reference including subsequent amendments and editions, and may be obtained at
2 <http://www.standardmethods.org/> at a cost of sixty-nine dollars (\$69.00);

3 (B) EPA Method 625, Base/Neutrals and Acids, which is incorporated by ~~reference~~, reference
4 including subsequent amendments and editions, and may be accessed free of charge at
5 [http://water.epa.gov/scitech/methods/cwa/organics/upload/2007_07_10_methods_method_](http://water.epa.gov/scitech/methods/cwa/organics/upload/2007_07_10_methods_method_organics_625.pdf)
6 [organics_625.pdf](http://water.epa.gov/scitech/methods/cwa/organics/upload/2007_07_10_methods_method_organics_625.pdf) ; and

7 (C) If a waste oil UST system is present that does not meet the requirements for secondary
8 containment in accordance with 40 CFR 280.42(b)(1) through (4), the sample shall also be
9 analyzed for lead and chromium using Method 6010C, Inductively Coupled Plasma-Atomic
10 Emission Spectrometry, which is incorporated by reference including subsequent
11 amendments and editions, and may be accessed free of charge at
12 <http://www.epa.gov/epawaste/hazard/testmethods/sw846/pdfs/6010c.pdf> or Method 6020A,
13 Inductively Coupled Plasma-Mass Spectrometry, which is incorporated by reference
14 including subsequent amendments and editions, and may be accessed free of charge at
15 <http://www.epa.gov/epawaste/hazard/testmethods/sw846/pdfs/6020a.pdf>; and

16 (6) The first sample collected in accordance with Subparagraph (b)(5) of this Rule shall be collected and
17 the results received by the Division by October 1, ~~2000~~ 2000, and yearly thereafter.

18 (c) An UST system or UST system component installation completed on or after November 1, ~~2007~~ 2007, to upgrade or
19 replace an UST system or UST system component ~~described as required~~ in Paragraph (a) of this Rule shall meet the
20 performance standards of Section .0900 of this Subchapter.

21 (d) The Environmental Management Commission may grant a variance from the secondary containment ~~upgrade~~
22 requirements in Subparagraph (a)(5) of this Rule for USTs located within 100 to 500 feet of a public water supply ~~well~~,
23 well if the well serves only a single facility and is not a community water system. Any request for a variance shall be in
24 writing by the owner of the UST for which the variance is sought. The request for variance shall be submitted to the
25 Director, Division of Waste Management, 1646 Mail Service Center, Raleigh, NC 27699-1646. The Environmental
26 Management Commission shall grant the variance if the Environmental Management Commission finds facts to support
27 the following conclusions:

28 (1) The variance will not endanger human health and welfare or groundwater; and

29 (2) UST systems are operated and maintained in compliance with all applicable federal laws and
30 regulations and state laws and rules 40 CFR Part 280, Article 21A of G.S. 143B, and the rules in this
31 Subchapter.

32 (e) The Environmental Management Commission may require the variance applicant to submit such information as the
33 Environmental Management Commission deems necessary to make a decision to grant or deny the variance. Information
34 that may be requested includes the following:

35 (1) Water supply well location, depth, construction specifications, and sampling results;

36 (2) Groundwater depth and flow direction; and

37 (3) Leak detection monitoring and testing results.

1 (f) The Environmental Management Commission may impose such conditions on a variance as the Environmental
2 Management Commission deems necessary to protect human health and welfare and groundwater. Conditions for a
3 variance may include the following:

- 4 (1) Increased frequency of leak detection and leak prevention monitoring and testing;
- 5 (2) Periodic water supply well sampling; and
- 6 (3) Increased reporting and recordkeeping.

7 (g) The findings of fact supporting any variance under this Rule shall be in writing and made part of the variance.

8 (h) The Environmental Management Commission may rescind a variance that was previously granted if the
9 Environmental Management Commission discovers through inspection or reporting that the conditions of the variance are
10 not met or that the facts no longer support the conclusions in Subparagraphs (d)(1) and (2) of this Rule.

11 (i) An owner of a an UST system who is aggrieved by a decision of the Environmental Management Commission to
12 deny or rescind a ~~variance~~, variance or to conditionally grant a variance may commence a contested case by filing a
13 petition ~~under~~ pursuant to G.S. 150B-23 within 60 days after receipt of the decision.

14

15 *History Note: Authority G.S. 143-215.3(a)(15); 143B-282(a)(2)(h);*
16 *Temporary Adoption Eff. May 1, 2000;*
17 *Eff. April 1, 2001;*
18 *Amended Eff. June 1, 2017; June 1, 2015; November 1, 2007.*

1 15A NCAC 02N .0404 is amended with changes as published in 31:09 NCR 810-824 as follows:

2

3 **15A NCAC 02N .0404 REPAIRS ALLOWED**

4 The regulations governing “Repairs Allowed” provisions contained set forth in 40 CFR 280.33 (Subpart C) have been
5 adopted by reference in accordance with G.S. 150B-14(e) are hereby incorporated by reference, except that the first
6 sentence of 40 CFR 280.33(d) shall be read: “Repairs to secondary containment areas of tanks and piping used for
7 interstitial monitoring and to containment sumps used for interstitial monitoring of piping shall have the secondary
8 containment tested for tightness as directed by the Division within 30 days following the date of completion of the
9 repair.” When determining the required test method, the Division may consider the following:

- 10 (1) installation date of the repaired UST system component;
- 11 (2) test methods that are third-party certified as being capable of detecting a 0.10 gallon per hour leak rate
12 with a probability of detection (Pd) of at least 95 percent and a probability of false alarm (Pfa) of no
13 more than 5 percent;
- 14 (3) codes of practice developed by a nationally recognized association;
- 15 (4) written manufacturer’s guidelines for installation testing [and/or] and testing after repairs are
16 conducted; and
- 17 (5) test methods developed by an independent laboratory.

18

19 *History Note: ~~Statutory~~ Authority G.S. 143-215.3(a)(15); ~~143B-282(2)(h)~~ 143B-282(a)(2)(h); ~~150B-14(e)~~ 150B-21.6;*
20 *Eff. January 1, ~~1991~~ 1991;*
21 *Amended Eff. June 1, 2017.*

1 15A NCAC 02N .0405 is amended with changes as published in 31:09 NCR 810-824 as follows:

2
3 **15A NCAC 02N .0405 REPORTING AND RECORDKEEPING**

4 (a) The regulations governing "Reporting and recordkeeping" procedures contained set forth in 40 CFR 280.34
5 **(Subpart C)** have been adopted are hereby incorporated by reference, ~~reference in accordance with G.S. 150B-14(e).~~

6 (b) Owners and operators ~~must also~~ shall submit to the Division, ~~on forms provided by the Division and~~ within 30 days
7 following completion, results of the site investigation conducted:

8 (1) at permanent ~~closure~~; closure or change-in-service. The results of the site investigation for permanent
9 closure or change-in-service shall be reported in a format that includes the following:

10 (A) site location information;

11 (B) identification and contact information for the owner, operator, property owner, consultant,
12 contractor, and analytical laboratory;

13 (C) the same information provided in Appendix I to 40 CFR Part 280, Section X;

14 (D) information about any release discovered, including discovery date, estimated quantity of
15 petroleum or hazardous substance released, and the cause and source;

16 (E) information about any previous releases at the site, including owner or operator at the time of
17 the release, source, cause, and location relative to the current release;

18 (F) description of site characteristics, such as use of the site and surrounding area, drinking water
19 supplies, presence and location of water supply wells and surface water, depth to and nature
20 of bedrock, depth to groundwater, and direction of groundwater flow;

21 (G) date of permanent closure or change-in-service of an UST system and last contents stored;

22 (H) procedures and methods used to clean an UST system prior to permanent closure or change-
23 in-service;

24 (I) procedures and methods used to permanently close an UST system;

25 (J) description of condition of tank, piping, and dispenser;

26 (K) documentation of disposal of tank and its contents;

27 (L) description of condition of excavation, volume of soil excavation, soil type encountered, type
28 and source of backfill used, and any groundwater, free product, or bedrock encountered in the
29 excavation;

30 (M) method of temporary storage, sampling, and treatment or disposal of excavated soil;

31 (N) procedures and methods used for sample collection, field screening, and laboratory analysis;

32 (O) quality assurance and quality control procedures and methods for decontamination of field
33 and sampling equipment and for sample handling, preservation, and transportation;

34 (P) field screening results and analytical results for samples collected, comparison of analytical
35 results to standards set forth in 15A NCAC 02L, and the presence and quantity of any free
36 product; and

1 (Q) maps and figures showing the site and surrounding topography, current and former UST
2 system locations, surface water, water supply wells, monitoring wells, types and locations of
3 samples, analytical results for samples, ground water flow direction, geologic boring logs,
4 and monitoring well construction specifications; or

5 (2) to insure compliance with the requirements for installation of vapor monitoring and groundwater
6 monitoring devices, as specified in 40 CFR 280.43(e)(1) through (e)(4) and 280.43(f)(1) through
7 (f)(5), respectively. The site investigation shall be conducted in accordance with Rule .0504 of this
8 Subchapter.

9 (c) Owners ~~must~~ shall submit to the Division, on forms provided by the ~~Division,~~ Division and within 30 days following
10 completion:

11 (1) A description of the upgrading of any UST system conducted in accordance with requirements of 40
12 CFR ~~280.24;~~ 280.21. The description of upgrading shall be provided on form “UST-8 Notification of
13 Activities Involving Underground Storage Tank Systems,” which is set forth in Rule .0303(1)(b) of
14 this Section;

15 (2) Certification of the proper operation of a corrosion protection system upon completion of testing ~~and~~
16 at a frequency and in a manner specified in compliance with 40 CFR 280.31; and

17 (A) Certification of proper operation and testing of a galvanic corrosion protection system shall
18 be provided on form “UST-7A Cathodic Protection System Evaluation for Galvanic
19 (Sacrificial Anode) Systems,” which may be accessed free of charge at
20 <http://deq.nc.gov/about/divisions/waste-management/underground-storage-tanks->
21 section/forms. Form “UST-7A Cathodic Protection System Evaluation for Galvanic
22 (Sacrificial Anode) Systems” shall include:

23 (i) owner identification and contact information;

24 (ii) site location information;

25 (iii) reason that a corrosion protection system was evaluated, including a routine test within
26 six months of corrosion protection system installation, a routine test every three years
27 following corrosion protection system installation, or a test following a repair or
28 modification;

29 (iv) corrosion protection tester’s name, contact information, corrosion protection tester
30 certification number, certifying organization, and certification type;

31 (v) corrosion protection tester’s evaluation, including pass, fail, or inconclusive;

32 (vi) corrosion expert’s name, address, contact information, National Association of
33 corrosion Engineers certification number, and certification type or Professional
34 Engineer number, state, and specialty;

35 (vii) corrosion expert’s evaluation, including pass or fail;

36 (viii) criteria for [evaluation] evaluation, including 850 millivolt on, 850 millivolt instant
37 off, or 100 millivolt polarization;

- (ix) action required as a result of the evaluation, including none, or repair and retest;
- (x) description of UST system, including tank identity, product stored, tank capacity, tank and piping construction material, and presence of metal flexible connectors;
- (xi) description of any repair or modification made to the corrosion protection system;
- (xii) site drawing, including the UST systems, on-site buildings, adjacent streets, anodes and wires, reference electrode placement, and test stations;
- (xiii) corrosion protection continuity survey, including location of fixed remote reference electrode placement, structures evaluated using fixed remote instant-off voltages or point-to-point point-to-point voltage differences, and if structures are continuous or isolated; and
- (xiv) corrosion protection system survey, including locations of remote reference electrode, structure evaluated, structure contact point, local reference cell placement, local voltage, remote voltage, and if tested structure passed, failed, or was inconclusive relative to the criteria for evaluation.

(B) Certification of proper operation and testing of an impressed current corrosion protection system shall be provided on form “UST-7B Cathodic Protection System Evaluation for Impressed Current Systems,” which may be accessed free of charge at <http://deq.nc.gov/about/divisions/waste-management/underground-storage-tanks-section/forms>. Form “UST-7B Cathodic Protection System Evaluation for Impressed Current Systems” shall include:

- (i) owner identification and contact information;
- (ii) site location information;
- (iii) reason that a corrosion protection system was evaluated, including a routine test within six months of corrosion protection system installation, a routine test every three years following corrosion protection system installation, or a test following a repair or modification;
- (iv) corrosion protection tester’s name, contact information, corrosion protection tester certification number, certifying organization, and certification type;
- (v) corrosion protection tester’s evaluation, including pass, fail, or inconclusive;
- (vi) corrosion expert’s name, address, contact information, National Association of Corrosion Engineers certification number, and certification type or Professional Engineer number, state, and specialty;
- (vii) corrosion expert’s evaluation, including pass or fail;
- (viii) criteria for evaluation, including 850 millivolt instant off or 100 millivolt polarization;
- (ix) action required as a result of the evaluation, including none or repair and retest;

- 1 (x) description of UST system, including tank identity, product stored, tank capacity,
2 tank and piping construction material, and presence of metal flexible connectors;
3 (xi) impressed current rectifier data, including rectifier manufacturer, model, serial
4 number rated DC output, shunt size, shunt factor, hour meter, tap settings, DC
5 output (gauge), and DC output (multimeter);
6 (xii) impressed current positive and negative circuit measurements;
7 (xiii) description of any repair or modifications made to the corrosion protection system;
8 (xiv) site drawing, including the UST systems, on-site buildings, adjacent streets, anodes
9 and wires, reference electrode placement, and test stations;
10 (xv) corrosion protection continuity survey, including location of fixed remote reference
11 electrode placement, structures evaluated using fixed remote [instant-off] instant-off
12 voltages or [point-to-point] point-to-point voltage differences, and if structures are
13 continuous or isolated; and
14 (xvi) corrosion protection system survey, including structure evaluated, structure contact
15 point, reference cell placement, on voltage, instant off voltage, 100 millivolt
16 polarization ending voltage and voltage change, and if the tested structure passed or
17 failed relative to the criteria for evaluation.

- 18 (3) Certification of compliance with the requirements for leak detection specified in 40 CFR 280.40, 40
19 CFR 280.41, 40 CFR 280.42, 40 CFR ~~280.43~~ 280.43, and 40 CFR 280.44. The certification ~~must~~ shall
20 specify the leak detection method and date of compliance for each UST. The certification of
21 compliance with leak detection requirements shall be provided on form “UST-8 Notification of
22 Activities Involving Underground Storage Tank Systems,” which is set forth in Rule .0303(1)(b) of
23 this Section.

24
25 History Note: ~~Statutory Authority G.S. 143-215.3(a)(15); 143B-282(2)(h) 143B-282(a)(2)(h); 150B-14(e) 150B-21.6;~~
26 ~~Eff. January 1, 1991. 1991;~~
27 Amended Eff. June 1, 2017.

1 15A NCAC 02N .0504 is amended with changes as published in 31:09 NCR 810-824 as follows:

2
3 **15A NCAC 02N .0504 METHODS OF RELEASE DETECTION FOR TANKS**

4 (a) The regulations governing "Methods of release detection for tanks" ~~contained set forth~~ in 40 CFR 280.43 (Subpart D)
5 ~~have been adopted~~ are hereby incorporated by reference ~~reference~~, in accordance with G.S. 150B-14(e) except that: that

6 (1) ~~40 CFR 280.43(d)(2) is amended to read: "Inventory control, or another test of equivalent performance~~
7 ~~approved by the Department, conducted in accordance with the requirements of 40 CFR 280.43(a)";~~

8 (2) ~~40 CFR 280.43(f)(7) is amended to read: "Within and immediately below the UST system excavation~~
9 ~~zone, the site is assessed to ensure compliance with the requirements of 40 CFR 280.43(f)(1) through~~
10 ~~(f)(5), as modified by this Rule, and to establish the number and positioning of monitoring wells or~~
11 ~~devices that will detect releases from any portion of the tank that routinely contains products"; and~~

12 (3) ~~40 CFR 280.43(f)(3), (f)(4), and (f)(5) are~~ shall not be adopted by reference.

13 (b) Wells used for monitoring or testing for ~~liquids on~~ free product in the groundwater shall be:

14 (1) Located as follows:

15 (A) ~~For~~ for new installations, ~~located~~ within and at the end of the excavation having the
16 lowest elevation and along piping at intervals not exceeding 50 feet; or

17 (2) (B) ~~For~~ for existing installations, ~~located~~ in the excavation zone or as near to it as
18 technically feasible and installed in a borehole at least four inches larger than the
19 diameter of the casing;

20 (3) (2) A minimum of two inches in diameter. The number of wells installed ~~must~~ shall be sufficient to detect
21 releases from the UST system;

22 (4) (3) Equipped with a screen that extends from two feet below land surface to a depth of 20 feet below land
23 surface or two feet below the seasonal low water level, whichever is shallower. The screen shall be
24 designed and installed to prevent the migration of natural soils or filter pack into the well while allowing
25 the entry of regulated substances into the well under both high and low groundwater level conditions;

26 (5) (4) Surrounded with a clean sand or gravel to the ~~the~~ top of the screen, plugged and grouted the remaining
27 distance to finished grade with cement grout;

28 (6) (5) Constructed of a permanent casing and screen material that is inert to the stored substance and is
29 corrosion resistant;

30 (7) (6) Developed upon completion of installation until the water is clear and ~~relatively~~ sediment free;

31 (8) (7) Protected with a water-tight water-tight cover and lockable cap;

32 (9) (8) Labeled as a liquid monitor well; and

33 (10) (9) Equipped with a continuously operating liquid leak detection device continuously operating on an
34 uninterrupted basis; or

35 (A) For tanks storing petroleum products, tested at least once every 14 days with a device or
36 hydrocarbon-sensitive paste capable of detecting the liquid stored; or

37 (B) For tanks storing hazardous substances, sampled and tested at least once every 14 days for the

1 presence of the stored substance.

2 (c) Wells used for monitoring or testing for ~~liquids on free product in~~ the groundwater at new ~~installations, installations~~ and
3 constructed in accordance with Paragraph (b) of this ~~Rule, Rule~~ shall be deemed to be permitted in accordance with the
4 requirements of 15A NCAC 2C .0105.

5 (d) Any person completing or abandoning any ~~well, well~~ used for testing of vapors or monitoring for ~~liquids on free product~~
6 ~~in the groundwater, groundwater~~ shall submit the record required by ~~Rule 15A NCAC 2C .0114(b), .0114(b)~~ of the Well
7 Construction Standards (15A NCAC 2C .0100).

8 ~~(e) The site assessments required by 40 CFR 280.43(e)(6) and 40 CFR 280.43(f)(7) shall be conducted by or under the~~
9 ~~supervision of a person qualified to assess site conditions.~~

10 ~~(f)~~(e) Wells used for monitoring for the presence of vapors in the soil gas of the excavation zone shall be equipped with a
11 continuously operating vapor detection device or tested at least once every 14 days for ~~the presence vapors~~ of the substance
12 stored.

13
14 *History Note: ~~Statutory Authority G.S. 143-215.3(a)(15); 143B-282(2)(h) 143B-282(a)(2)(h); 150B-14(e) 150B-21.6;~~*
15 *~~Eff. January 1, 1991. 1991;~~*
16 *~~Amended Eff. June 1, 2017.~~*

1 15A NCAC 02N .0604 is amended with changes as published in 31:09 NCR 810-824 as follows:

2
3 **15A NCAC 02N .0604 REPORTING AND CLEANUP OF SPILLS AND OVERFILLS**

4 The regulations governing "Reporting and cleanup of spills and overfills" ~~provisions contained set forth~~ in 40 CFR 280.53
5 ~~(Subpart E) have been adopted~~ are hereby incorporated by ~~reference reference~~, in accordance with G.S. 150B-14(e), except
6 that:

7 (1) In 40 CFR 280.53(a) ~~and (b)~~, the words, words "or another reasonable time period specified by the
8 implementing agency," agency ~~are~~ shall not be adopted by reference;

9 ~~(2)~~ In 40 CFR 280.53(b) the words "or another reasonable time period established by the implementing
10 agency" shall not be adopted by reference.

11 ~~(2)(3)~~ In 40 CFR 280.53(a)(1) and (b), the words, "or another reasonable amount specified by the implementing
12 agency" ~~are~~ shall not be adopted by reference; and

13 ~~(3)(4)~~ The time periods within which reports required by the provisions of 40 CFR 280.53 must shall be
14 submitted to Upon written request, the Division may ~~be extended upon approval of requests made to the~~
15 Division by the owner or operator, before the expiration of the grant additional time period and upon a
16 showing of good cause, to submit the reports specified in 40 CFR 280.53. The request shall be made to
17 the Division prior to the expiration of the required time period. When considering such a request, the
18 Division may consider factors as follows:

19 (a) the extent to which the request for additional time is due to factors outside of the
20 control of the tank owner or operator;

21 (b) the previous history of the tank owner or operator submitting the report in
22 complying with deadlines established under the Commission's rules;

23 (c) the technical complications associated with reporting and cleanup of spills and
24 overfills; and

25 (d) the necessity for action to eliminate an imminent threat to public health or the
26 environment.

27
28 *History Note:* ~~Statutory Authority G.S. 143-215.3(a)(15); 143B-282(2)(h)~~ 143B-282(a)(2)(h); 150B-14(e) 150B-21.6;
29 Eff. January 1, 1991, 1991;
30 Amended Eff. June 1, 2017.

1 15A NCAC 02N .0702 is amended with changes as published in 31:09 NCR 810-824 as follows:

2

3 **15A NCAC 02N .0702 INITIAL RESPONSE**

4 The ~~provisions for regulations governing "Initial response" contained set forth in 40 CFR 280.61 (Subpart F) have been~~
5 ~~adopted~~ are hereby incorporated by ~~reference~~ reference, in accordance with G.S. ~~150B-14(e)~~ except that the ~~words, words~~
6 "or within another reasonable ~~time~~ period of time ~~specified~~ determined by the implementing ~~agency,~~ "agency" in the first
7 sentence ~~are~~ shall not be adopted by reference.

8

9 *History Note:* ~~Statutory Authority G.S. 143-215.3(a)(15); 143B-282(2)(h)~~ 143B-282(a)(2)(h); 150B-14(e) 150B-21.6;

10 Eff. January 1, 1991, 1991;

11 Amended Eff. June 1, 2017.

1 15A NCAC 02N .0704 is amended with changes as published in 31:09 NCR 810-824 as follows:

2

3 **15A NCAC 02N .0704 INITIAL SITE CHARACTERIZATION**

4 The ~~provisions for regulations governing~~ "Initial site characterization" ~~contained set forth~~ in 40 CFR 280.63 (Subpart F)
5 ~~have been adopted~~ are hereby incorporated by ~~reference~~ reference, in accordance with G.S. 150B-14(e), except that in 40
6 CFR 280.63(b) the ~~words, words~~ "or another reasonable period of time determined by the implementing agency," agency
7 ~~are replaced by the words, "unless prior approval has been granted by the Division upon a showing of good cause, before the~~
8 ~~45 days have expired."~~ shall not be adopted by reference. Upon written request, the Division may grant additional time to
9 submit the information collected in compliance with 40 CFR 280.63(a). The request shall be made to the Division prior to the
10 expiration of the required time period. When considering such a request, the Division may consider factors as follows:

11 (1) the extent to which the request for additional time is due to factors outside of the control of the
12 tank owner or operator;

13 (2) the previous history of the tank owner or operator submitting the report in complying with
14 deadlines established under the Commission's rules;

15 (3) the technical complications associated with an initial site characterization; and

16 (4) the necessity for action to eliminate an imminent threat to public health or the environment.

17

18 *History Note: ~~Statutory Authority G.S. 143-215.3(a)(15); 143B-282(2)(h)~~ 143B-282(a)(2)(h); 150B-14(e) 150B-21.6;*
19 *Eff. January 1, 1991, 1991;*
20 *Amended Eff. June 1, 2017.*

1 15A NCAC 02N .0707 is amended with changes as published in 31:09 NCR 810-824 as follows:

2

3 **15A NCAC 02N .0707 CORRECTIVE ACTION PLAN**

4 The provisions for a regulations governing "Corrective action plan" ~~contained set forth~~ in 40 CFR 280.66 (Subpart F) have
5 been ~~are hereby~~ incorporated by ~~reference~~ reference, including any subsequent amendments and editions with the exception
6 of the following Paragraph. ~~except that~~ This material is available for inspection at the Department of Environment and
7 Natural Resources, Division of Water Quality, Groundwater Section, 2728 Capital Boulevard, Raleigh, North Carolina.
8 Copies of 40 CFR Parts 260 to 299 may be obtained from the Superintendent of Documents, Government Printing Office,
9 Washington, D.C., 20402 at a cost of thirty one dollars (\$31.00). 40 CFR 280.66(a) has been rewritten to shall read: "At any
10 point after ~~"~~After reviewing the information submitted in compliance with 40 CFR 280.61 through 40 CFR 280.63, the
11 Division may require owners and operators to submit additional information or to develop and submit a corrective action
12 plan for responding to contaminated soils and groundwater. If a plan is required, owners and operators must prepare a plan in
13 accordance with the requirements specified in 15A NCAC ~~2L, 2L.~~ and submit it according to a schedule and format
14 established by the Division. Owners and operators are responsible for submitting a plan that provides for adequate protection
15 of human health and the environment as determined by the Division, and must modify their plan as necessary to meet this
16 standard".

17

18 *History Note:* ~~Statutory Authority G.S. 143-215.3(a)(15); 143B-282(2)(h)~~ 143B-282(a)(2)(h);

19 *Eff. January 1, 1991;*

20 *Amended Eff. September 1, 1992.*

21 *Temporary Amendment Eff. January 2, 1998;*

22 *Amended Eff. June 1, 2017; October 29, 1998.*

1 15A NCAC 02N .0802 is amended with changes as published in 31:09 NCR 810-824 as follows:

2

3 **15A NCAC 02N .0802 PERMANENT CLOSURE AND CHANGES-IN-SERVICE**

4 The ~~provisions for regulations governing~~ "Permanent closure and changes-in-service" ~~contained set forth~~ in 40 CFR
5 280.71 (Subpart G) have been adopted are hereby incorporated by ~~reference in accordance with G.S. 150B-14(e)~~
6 reference, including subsequent amendments and editions except that an UST system containing de minimis
7 concentrations of a regulated substance ~~must~~ shall meet the closure requirements of this Rule within 12 months of the
8 effective date of this Subchapter.

9

10 *History Note:* ~~Statutory Authority G.S. 143-215.3(a)(15); 143B-282(2)(h)~~ 143B-282(a)(2)(h); 150B-14(e) 150B-21.6;
11 Eff. January 1, 1991.
12 Amended Eff. June 1, 2017.

1 15A NCAC 02N .0803 is amended with changes as published in 31:09 NCR 810-824 as follows:

2

3 **15A NCAC 02N .0803 ASSESSING THE SITE AT CLOSURE OR CHANGE-IN-SERVICE**

4 The ~~provisions for regulations governing~~ "Assessing the site at closure or change-in-service" ~~contained set forth in 40 CFR~~
5 280.72 ~~(Subpart G)~~ have been adopted are hereby incorporated by reference reference, ~~in accordance with G.S.~~
6 ~~150B-14(e)~~, except that:

7 (1) references to methods and requirements ~~have been expanded to~~ shall include all applicable references and
8 methods listed in 15A NCAC 2N .0504; and

9 ~~(2) site assessments shall be conducted by a person qualified to assess site conditions; and~~

10 ~~(3)(2)~~ (2) the number and location of ~~samples~~, samples and method of their ~~collections~~ collection shall be
11 determined in accordance with procedures established by the ~~Department~~ Division. In establishing
12 procedures, the Division may consider factors such as:

13 (a) dimensions of the USTs;

14 (b) type of products stored in the USTs;

15 (c) method of closure;

16 (d) type of and length of associated product lines;

17 (e) number of associated dispensers;

18 (f) number of associated containment sumps;

19 (g) methods of field sample analysis and laboratory sample analysis;

20 (h) potential for vapor intrusion;

21 (i) proximity to surface waters; and

22 (j) site conditions such as site geology and hydrology.

23

24 *History Note: ~~Statutory Authority G.S. 143-215.3(a)(15); 143B-282(2)(h) 143B-282(a)(2)(h); 150B-14(e) 150B-21.6;~~*
25 *Eff. January 1, ~~1991~~ 1991;*
26 *Amended Eff. June 1, 2017.*

1 15A NCAC 02N .1003 is adopted with changes as published in 31:09 NCR 810-824 as follows:

2

3 **15A NCAC 02N .1003 ADDITIONS, EXCEPTIONS, AND ALTERNATIVES FOR UST SYSTEMS WITH**
4 **FIELD-CONSTRUCTED TANKS AND AIRPORT HYDRANT SYSTEMS**

5 The regulations governing "Additions, exceptions, and alternatives for UST systems with field-constructed tanks and airport
6 hydrant systems" set forth in 40 CFR 280.252 (Subpart K) are hereby incorporated by reference, except that:

7 (1) **Piping piping** associated with UST systems with field-constructed tanks less than or equal to 50,000
8 gallons not part of an airport hydrant fueling system shall ~~meet~~ **comply with** the requirements of Section
9 .0900 of this Subchapter; and

10 (2) UST systems with field-constructed tanks and airport hydrant systems shall comply with the spill and
11 overfill prevention requirements of Section .0900 of this Subchapter.

12

13 *History Note:* Authority G.S. 143-215.3(a)(15); 143B-282(a)(2)(h); 150B-21.6;

14 *Eff. June 1, 2017.*