

G.S. 150B-21.3A Report for 15A NCAC 02N, UNDERGROUND STORAGE TANKS

Agency - Environmental Management Commission

Comment Period - July 21, 2017 - September 27, 2017

Date Submitted to APO - February 19, 2018

Rule Section	Rule Citation	Rule Name	Date and Last Agency Action on the Rule	Agency Determination [150B-21.3A(c)(1)a]	Implements or Conforms to Federal Regulation [150B-21.3A(e)]	Federal Regulation Citation	Public Comment Received [150B-21.3A(c)(1)]	Agency Determination Following Public Comment [150B-21.3A(c)(1)]	RRC Determination of Public Comments [150B-21.3A(c)(2)]	RRC Final Determination of Status of Rule for Report to APO [150B-21.3A(c)(2)]	OAH Next Steps
SECTION .0100 - GENERAL CONSIDERATIONS	15A NCAC 02N .0101	GENERAL	Amended Eff. June 1, 2017	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	15A NCAC 02N .0102	COPIES OF REFERENCED FEDERAL REGULATIONS	Amended Eff. June 1, 2017	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	15A NCAC 02N .0104	IDENTIFICATION OF TANKS	Amended Eff. June 1, 2017	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
SECTION .0200 - PROGRAM SCOPE AND INTERIM PROHIBITION	15A NCAC 02N .0201	APPLICABILITY	Amended Eff. June 1, 2017	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	40 CFR 280.10	No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	15A NCAC 02N .0202	INTERIM PROHIBITION FOR DEFERRED UST SYSTEMS	Amended Eff. June 1, 2017	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	40 CFR 280.11	No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	15A NCAC 02N .0203	DEFINITIONS	Amended Eff. June 1, 2017	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	40 CFR 280.12	No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
SECTION .0300 - UST SYSTEMS: DESIGN, CONSTRUCTION, INSTALLATION, AND NOTIFICATION	15A NCAC 02N .0301	PERFORMANCE STANDARDS FOR UST SYSTEM INSTALLATIONS OR REPLACEMENTS COMPLETED AFTER DECEMBER 22, 1988	Amended Eff. June 1, 2017	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	40 CFR 280.20	Yes	Necessary with substantive public interest	RRC not required to review comment(s)	Necessary with substantive public interest and must be readopted	Agency must readopt
	15A NCAC 02N .0302	UPGRADING OF EXISTING UST SYSTEMS AFTER DECEMBER 22, 1988 AND BEFORE NOVEMBER 1, 2007	Amended Eff. June 1, 2017	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	40 CFR 280.21	No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	15A NCAC 02N .0303	NOTIFICATION REQUIREMENTS	Amended Eff. June 1, 2017	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	40 CFR 280.22	No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	15A NCAC 02N .0304	IMPLEMENTATION SCHEDULE FOR PERFORMANCE STANDARDS FOR NEW UST SYSTEMS AND UPGRADING	Amended Eff. June 1, 2017	Necessary with substantive public interest	No		Yes	Necessary with substantive public interest	RRC not required to review comment(s)	Necessary with substantive public interest and must be readopted	Agency must readopt
SECTION .0400 - GENERAL OPERATING REQUIREMENTS	15A NCAC 02N .0401	SPILL AND OVERFILL CONTROL	Amended Eff. June 1, 2017	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	40 CFR 280.30	No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	15A NCAC 02N .0402	OPERATION AND MAINTENANCE OF CORROSION PROTECTION	Amended Eff. June 1, 2017	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	40 CFR 280.31	No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	15A NCAC 02N .0403	COMPATIBILITY	Amended Eff. June 1, 2017	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	40 CFR 280.32	No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	15A NCAC 02N .0404	REPAIRS ALLOWED	Amended Eff. June 1, 2017	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	40 CFR 280.33	No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	15A NCAC 02N .0405	REPORTING AND RECORDKEEPING	Amended Eff. June 1, 2017	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	40 CFR 280.34	No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
SECTION .0500 - RELEASE DETECTION	15A NCAC 02N .0501	GENERAL REQUIREMENTS FOR ALL UST SYSTEMS	Amended Eff. June 1, 2017	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	40 CFR 280.40	No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt

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	15A NCAC 02N .0502	REQUIREMENTS FOR PETROLEUM UST SYSTEMS	Amended Eff. June 1, 2017	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	40 CFR 280.41	No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	15A NCAC 02N .0503	REQUIREMENTS FOR HAZARDOUS SUBSTANCE UST SYSTEMS	Amended Eff. June 1, 2017	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	40 CFR 280.42	No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	15A NCAC 02N .0504	METHODS OF RELEASE DETECTION FOR TANKS	Amended Eff. June 1, 2017	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	40 CFR 280.43	No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	15A NCAC 02N .0505	METHODS OF RELEASE DETECTION FOR PIPING	Amended Eff. June 1, 2017	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	40 CFR 280.44	No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	15A NCAC 02N .0506	RELEASE DETECTION RECORDKEEPING	Amended Eff. June 1, 2017	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	40 CFR 280.45	No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
SECTION .0600 - RELEASE REPORTING, INVESTIGATION, AND	15A NCAC 02N .0601	REPORTING OF SUSPECTED RELEASES	Amended Eff. June 1, 2017	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	40 CFR 280.50	No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	15A NCAC 02N .0602	INVESTIGATION DUE TO OFF-SITE IMPACTS	Amended Eff. June 1, 2017	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	40 CFR 280.51	No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	15A NCAC 02N .0603	RELEASE INVESTIGATION AND CONFIRMATION STEPS	Amended Eff. June 1, 2017	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	40 CFR 280.52	No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	15A NCAC 02N .0604	REPORTING AND CLEANUP OF SPILLS AND OVERFILLS	Amended Eff. June 1, 2017	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	40 CFR 280.53	No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
SECTION .0700 - RELEASE RESPONSE AND CORRECTIVE ACTION FOR UST SYSTEMS	15A NCAC 02N .0701	GENERAL	Amended Eff. June 1, 2017	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	40 CFR 280.60	No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	15A NCAC 02N .0702	INITIAL RESPONSE	Amended Eff. June 1, 2017	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	40 CFR 280.61	No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	15A NCAC 02N .0703	INITIAL ABATEMENT MEASURES AND SITE CHECK	Amended Eff. June 1, 2017	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	40 CFR 280.62	No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	15A NCAC 02N .0704	INITIAL SITE CHARACTERIZATION	Amended Eff. June 1, 2017	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	40 CFR 280.63	No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	15A NCAC 02N .0705	FREE PRODUCT REMOVAL	Amended Eff. June 1, 2017	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	40 CFR 280.64	No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	15A NCAC 02N .0706	INVESTIGATIONS FOR SOIL AND GROUND WATER CLEANUP	Amended Eff. June 1, 2017	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	40 CFR 280.65	No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	15A NCAC 02N .0707	CORRECTIVE ACTION PLAN	Amended Eff. June 1, 2017	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	40 CFR 280.66	No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt

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	15A NCAC 02N .0708	PUBLIC PARTICIPATION	Amended Eff. June 1, 2017	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	40 CFR 280.67	No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
SECTION .0800 - OUT-OF-SERVICE UST SYSTEMS AND CLOSURE	15A NCAC 02N .0801	TEMPORARY CLOSURE	Amended Eff. June 1, 2017	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	40 CFR 280.70	No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	15A NCAC 02N .0802	PERMANENT CLOSURE AND CHANGES-IN-SERVICE	Amended Eff. June 1, 2017	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	40 CFR 280.71	No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	15A NCAC 02N .0803	ASSESSING THE SITE AT CLOSURE OR CHANGE-IN-SERVICE	Amended Eff. June 1, 2017	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	40 CFR 280.72	No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	15A NCAC 02N .0804	APPLICABILITY TO PREVIOUSLY CLOSED UST SYSTEMS	Amended Eff. June 1, 2017	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	40 CFR 280.73	No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	15A NCAC 02N .0805	CLOSURE RECORDS	Amended Eff. June 1, 2017	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	40 CFR 280.74	No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
SECTION .0900 - PERFORMANCE STANDARDS FOR UST SYSTEM OR UST SYSTEM	15A NCAC 02N .0901	GENERAL REQUIREMENTS	Amended Eff. February 1, 2010	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	40 CFR 280.20	Yes	Necessary with substantive public interest	RRC not required to review comment(s)	Necessary with substantive public interest and must be readopted	Agency must readopt
	15A NCAC 02N .0902	NOTIFICATION	Eff. November 1, 2007	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	40 CFR 280.22	No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	15A NCAC 02N .0903	TANKS	Amended Eff. June 1, 2015	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	40 CFR 280.20	No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	15A NCAC 02N .0904	PIPING	Amended Eff. June 1, 2015	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	41 CFR 280.20	No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	15A NCAC 02N .0905	CONTAINMENT SUMPS	Eff. November 1, 2007	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	42 CFR 280.20	No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	15A NCAC 02N .0906	SPILL BUCKETS	Eff. November 1, 2007	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	43 CFR 280.20	No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	15A NCAC 02N .0907	NATIONAL CODES OF PRACTICE AND INDUSTRY STANDARDS	Eff. November 1, 2007	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	44 CFR 280.20	No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt

**COMMENTS AND RESPONSES FOR PERIODIC REVIEW OF EXISTING RULES
15A NCAC Subchapter 02N, Underground Storage Tanks**

15A NCAC 02N .0301 PERFORMANCE STANDARDS FOR UST SYSTEM INSTALLATIONS OR REPLACEMENTS COMPLETED AFTER DECEMBER 22, 1988 AND BEFORE NOVEMBER 1, 2007

Comment received electronically:

Commenter Name: Doug Howey, NC Petroleum & Convenience Marketers

Do I agree with the Agency's determination? No

I would determine this rule's classification as: Unnecessary

Do I want to submit a written comment on this rule? Yes

My comment type on this rule is: Another type of comment

Do I want to enter a comment, or submit a file? Enter a comment

My Comment Text: Having different rules apply depending on the date installed is confusing to the regulated parties. The rule should mirror the EPA regulation found at 40 CFR 280.

Agency Response:

The agency's final determination is "necessary with substantive public interest." This comment will be considered during the readoption process.

15A NCAC 02N .0304 IMPLEMENTATION SCHEDULE FOR PERFORMANCE STANDARDS FOR NEW UST SYSTEMS AND UPGRADING REQUIREMENTS FOR EXISTING UST SYSTEMS LOCATED IN AREAS DEFINED IN RULE .0301(D)

Comment received electronically:

Commenter Name: Doug Howey, NC Petroleum & Convenience Marketers

Do I agree with the Agency's determination? No

I would determine this rule's classification as: Unnecessary

Do I want to submit a written comment on this rule? Yes

My comment type on this rule is: An objection to the rule

Do I want to enter a comment, or submit a file? Enter a comment

My Comment Text: The EPA regulation has no such rule and NC should not be more stringent.

Agency Response:

The agency's final determination is "necessary with substantive public interest." This comment will be considered during the readoption process.

15A NCAC 02N .0901 GENERAL REQUIREMENTS

Comment received electronically:

Commenter Name: Doug Howey, NC Petroleum & Convenience Marketers

Do I agree with the Agency's determination? No

I would determine this rule's classification as: Unnecessary

Do I want to submit a written comment on this rule? Yes

My comment type on this rule is: Another type of comment

Do I want to enter a comment, or submit a file? Enter a comment

My Comment Text: This rule is more stringent than the federal rule. The rule should mirror the EPA regulation found at 40 CFR 280.

Agency Response:

The agency's final determination is "necessary with substantive public interest." This comment will be considered during the readoption process.