

G.S. 150B-21.3A Report for 15A NCAC 02N, CRITERIA AND STANDARDS APPLICABLE TO UNDERGROUND STORAGE TANKS

Agency - Environmental Management Commission

Comment Period - January 24, 2025 - April 1, 2025

Date Submitted to APO - Filled in by RRC staff

Subchapter	Rule Section	Rule Citation	Rule Name	Date and Last Agency Action on the Rule	Agency Determination [150B-21.3A(c)(1)a]	Required to Implement or Conform to Federal Regulation [150B-21.3A(d1)]	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
SUBCHAPTER 02N – CRITERIA AND STANDARDS APPLICABLE TO UNDERGROUND STORAGE TANKS	SECTION .0100 - GENERAL CONSIDERATIONS	15A NCAC 02N .0101	GENERAL	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02N .0102	COPIES OF REFERENCED FEDERAL REGULATIONS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02N .0104	IDENTIFICATION OF TANKS	Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. March 6, 2018	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
	SECTION .0200 - PROGRAM SCOPE AND INTERIM PROHIBITION	15A NCAC 02N .0201	APPLICABILITY	Readopted Eff. January 1, 2021	Necessary	Yes If yes, include the citation to the federal law	40 CFR 280.10	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02N .0202	INSTALLATION REQUIREMENTS FOR PARTIALLY EXCLUDED UST SYSTEMS	Readopted Eff. January 1, 2021	Necessary	Yes If yes, include the citation to the federal law	40 CFR 280.11	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02N .0203	DEFINITIONS	Readopted Eff. January 1, 2021	Necessary	Yes If yes, include the citation to the federal law	40 CFR 280.12	No	Necessary	No comments with merit	Necessary 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 AND BEFORE NOVEMBER 1, 2007	Readopted Eff. January 1, 2021	Necessary	Yes If yes, include the citation to the federal law	40 CFR 280.20	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02N .0302	UPGRADING OF EXISTING UST SYSTEMS AFTER DECEMBER 22, 1998 AND BEFORE NOVEMBER 1, 2007	Readopted Eff. January 1, 2021	Necessary	Yes If yes, include the citation to the federal law	40 CFR 280.21	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02N .0303	NOTIFICATION REQUIREMENTS	Readopted Eff. January 1, 2021	Necessary	Yes If yes, include the citation to the federal law	40 CFR 280.22	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02N .0304	IMPLEMENTATION SCHEDULE FOR PERFORMANCE STANDARDS FOR NEW UST SYSTEMS AND UPGRADING REQUIREMENTS FOR EXISTING UST SYSTEMS LOCATED IN AREAS DEFINED	Readopted Eff. January 1, 2021	Necessary	No		No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
	SECTION .0400 - GENERAL OPERATING REQUIREMENTS	15A NCAC 02N .0401	SPILL AND OVERFILL CONTROL	Readopted Eff. January 1, 2021	Necessary	Yes If yes, include the citation to the federal law	40 CFR 280.30	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02N .0402	OPERATION AND MAINTENANCE OF CORROSION PROTECTION	Readopted Eff. January 1, 2021	Necessary	Yes If yes, include the citation to the federal law	40 CFR 280.31	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02N .0403	COMPATIBILITY	Readopted Eff. January 1, 2021	Necessary	Yes If yes, include the citation to the federal law	40 CF 280.32	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02N .0404	REPAIRS ALLOWED	Readopted Eff. January 1, 2021	Necessary	Yes If yes, include the citation to the federal law	40 CFR 280.33	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02N .0405	REPORTING AND RECORDKEEPING	Readopted Eff. January 1, 2021	Necessary	Yes If yes, include the citation to the federal law	40 CFR 280.34	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02N .0406	PERIODIC TESTING OF SPILL PREVENTION EQUIPMENT AND CONTAINMENT SUMPS USED FOR INTERSTITIAL MONITORING OF PIPING AND PERIODIC INSPECTION OF OVERFILL PREVENTION EQUIPMENT	Amended Eff. August 23, 2022	Necessary	Yes If yes, include the citation to the federal law	40 CFR 280.35	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt

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		15A NCAC 02N .0407	PERIODIC OPERATION AND MAINTENANCE WALKTHROUGH INSPECTIONS	Eff. June 1, 2017	Necessary	Yes If yes, include the citation to the federal law	40 CFR 280.36	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
	SECTION .0500 - RELEASE DETECTION	15A NCAC 02N .0501	GENERAL REQUIREMENTS FOR ALL UST SYSTEMS	Readopted Eff. January 1, 2021	Necessary	Yes If yes, include the citation to the federal law	40 CFR 280.40	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02N .0502	REQUIREMENTS FOR PETROLEUM UST SYSTEMS	Readopted Eff. January 1, 2021	Necessary	Yes If yes, include the citation to the federal law	40 CFR 280.41	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02N .0503	REQUIREMENTS FOR HAZARDOUS SUBSTANCE UST SYSTEMS	Readopted Eff. January 1, 2021	Necessary	Yes If yes, include the citation to the federal law	40 CFR 280.42	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02N .0504	METHODS OF RELEASE DETECTION FOR TANKS	Readopted Eff. January 1, 2021	Necessary	Yes If yes, include the citation to the federal law	40 CFR 280.43	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02N .0505	METHODS OF RELEASE DETECTION FOR PIPING	Readopted Eff. January 1, 2021	Necessary	Yes If yes, include the citation to the federal law	40 CFR 280.44	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02N .0506	RELEASE DETECTION RECORDKEEPING	Readopted Eff. January 1, 2021	Necessary	Yes If yes, include the citation to the federal law	40 CFR 280.45	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
	SECTION .0600 - RELEASE REPORTING, INVESTIGATION, AND CONFIRMATION	15A NCAC 02N .0601	REPORTING OF SUSPECTED RELEASES	Readopted Eff. January 1, 2021	Necessary	Yes If yes, include the citation to the federal law	40 CFR 280.50	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02N .0602	INVESTIGATION DUE TO OFF-SITE IMPACTS	Readopted Eff. January 1, 2021	Necessary	Yes If yes, include the citation to the federal law	40 CFR 280.51	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02N .0603	RELEASE INVESTIGATION AND CONFIRMATION STEPS	Readopted Eff. January 1, 2021	Necessary	Yes If yes, include the citation to the federal law	40 CFR 280.52	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02N .0604	REPORTING AND CLEANUP OF SPILLS AND OVERFILLS	Readopted Eff. January 1, 2021	Necessary	Yes If yes, include the citation to the federal law	40 CFR 280.53	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
	SECTION .0700 - RELEASE RESPONSE AND CORRECTIVE ACTION FOR UST SYSTEMS CONTAINING PETROLEUM OR HAZARDOUS SUBSTANCES	15A NCAC 02N .0701	GENERAL	Readopted Eff. January 1, 2021	Necessary	Yes If yes, include the citation to the federal law	40 CFR 280.60	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02N .0702	INITIAL RESPONSE	Readopted Eff. January 1, 2021	Necessary	Yes If yes, include the citation to the federal law	40 CFR 280.61	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02N .0703	INITIAL ABATEMENT MEASURES AND SITE CHECK	Readopted Eff. January 1, 2021	Necessary	Yes If yes, include the citation to the federal law	40 CFR 280.62	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02N .0704	INITIAL SITE CHARACTERIZATION	Readopted Eff. January 1, 2021	Necessary	Yes If yes, include the citation to the federal law	40 CFR 280.63	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02N .0705	FREE PRODUCT REMOVAL	Readopted Eff. January 1, 2021	Necessary	Yes If yes, include the citation to the federal law	40 CFR 280.64	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02N .0706	INVESTIGATIONS FOR SOIL AND GROUNDWATER CLEANUP	Readopted Eff. January 1, 2021	Necessary	Yes If yes, include the citation to the federal law	40 CFR 280.65	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02N .0707	CORRECTIVE ACTION PLAN	Readopted Eff. January 1, 2021	Necessary	Yes If yes, include the citation to the federal law	40 CFR 280.66	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02N .0708	PUBLIC PARTICIPATION	Readopted Eff. January 1, 2021	Necessary	Yes If yes, include the citation to the federal law	40 CFR 280.67	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt

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	SECTION .0800 - OUT-OF-SERVICE UST SYSTEMS AND CLOSURE	15A NCAC 02N .0801	TEMPORARY CLOSURE	Readopted Eff. January 1, 2021	Necessary	Yes If yes, include the citation to the federal law	40 CFR 280.70	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02N .0802	PERMANENT CLOSURE AND CHANGES-IN-SERVICE	Readopted Eff. January 1, 2021	Necessary	Yes If yes, include the citation to the federal law	40 CFR 280.71	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02N .0803	ASSESSING THE SITE AT CLOSURE OR CHANGE-IN-SERVICE	Readopted Eff. January 1, 2021	Necessary	Yes If yes, include the citation to the federal law	40 CFR 280.72	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02N .0804	APPLICABILITY TO PREVIOUSLY CLOSED UST SYSTEMS	Readopted Eff. January 1, 2021	Necessary	Yes If yes, include the citation to the federal law	40 CFR 280.73	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02N .0805	CLOSURE RECORDS	Readopted Eff. January 1, 2021	Necessary	Yes If yes, include the citation to the federal law	40 CFR 280.74	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
	SECTION .0900 - PERFORMANCE STANDARDS FOR UST SYSTEM OR UST SYSTEM COMPONENT INSTALLATION OR REPLACEMENT COMPLETED ON OR AFTER NOVEMBER 1, 2007	15A NCAC 02N .0901	GENERAL REQUIREMENTS	Amended Eff. August 23, 2022	Necessary	Yes If yes, include the citation to the federal law	40 CFR 280.20	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02N .0902	NOTIFICATION	Readopted Eff. January 1, 2021	Necessary	Yes If yes, include the citation to the federal law	40 CFR 280.22	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02N .0903	TANKS	Readopted Eff. January 1, 2021	Necessary	Yes If yes, include the citation to the federal law	40 CFR 280.20	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02N .0904	PIPING	Readopted Eff. January 1, 2021	Necessary	Yes If yes, include the citation to the federal law	40 CFR 280.20	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02N .0905	CONTAINMENT SUMPS	Amended Eff. August 23, 2022	Necessary	Yes If yes, include the citation to the federal law	40 CFR 280.20	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02N .0906	SPILL BUCKETS	Amended Eff. August 23, 2022	Necessary	Yes If yes, include the citation to the federal law	40 CFR 280.21	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02N .0907	NATIONAL CODES OF PRACTICE AND INDUSTRY STANDARDS	Readopted Eff. January 1, 2021	Necessary	Yes If yes, include the citation to the federal law	40 CFR 280.20	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
	SECTION .1000 - UST SYSTEMS WITH FIELD-CONSTRUCTED TANKS AND AIRPORT HYDRANT FUEL DISTRIBUTION	15A NCAC 02N .1001	DEFINITIONS	Eff. June 1, 2017	Necessary	Yes If yes, include the citation to the federal law	40 CFR 280.250	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02N .1002	GENERAL REQUIREMENTS	Eff. June 1, 2017	Necessary	Yes If yes, include the citation to the federal law	40 CFR 280.251	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt
		15A NCAC 02N .1003	ADDITIONS, EXCEPTIONS, AND ALTERNATIVES FOR UST SYSTEMS WITH FIELD-CONSTRUCTED TANKS AND AIRPORT HYDRANT SYSTEMS	Eff. June 1, 2017	Necessary	Yes If yes, include the citation to the federal law	40 CFR 280.252	No	Necessary	No comments with merit	Necessary and must be readopted	Agency must readopt