

1 15A NCAC 02N .0201 is readopted as published in 35:4 NCR 426 as follows:

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3 **SUBCHAPTER 02N – CRITERIA AND STANDARDS APPLICABLE TO UNDERGROUND STORAGE**  
4 **TANKS**

5  
6 **SECTION .0200 - PROGRAM SCOPE AND INTERIM PROHIBITION**

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8 **15A NCAC 02N .0201 APPLICABILITY**

9 The regulations governing "Applicability" set forth in 40 CFR 280.10 (Subpart A) are hereby incorporated by  
10 ~~reference,~~reference excluding any subsequent amendments and editions, except that:

- 11 (1) ~~Underground~~underground storage tanks (UST) containing de minimis concentrations of regulated  
12 substances are also subject to the requirements for permanent closure in Rules .0802 and .0803 of  
13 this Subchapter; and  
14 (2) UST systems that store fuel solely for use by emergency power generators installed on or after  
15 November 1, 2007 shall also meet the requirements of Section .0900 of this Subchapter.

16  
17 *History Note: Authority G.S. 143-215.3(a)(15); 143B-282(a)(2)(h); ~~150B-21.6;~~*  
18 *Eff. January 1, 1991;*  
19 *Amended Eff. June 1, 2017; November 1, ~~2007, 2007;~~*  
20 *Readopted Eff. January 1, 2021.*

1 15A NCAC 02N .0202 is readopted as published in 35:4 NCR 426 as follows:

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

5 The regulations governing "Installation requirements for partially excluded UST systems" set forth in 40 CFR 280.11  
6 (Subpart A) are hereby incorporated by ~~reference~~ reference excluding any subsequent amendments and editions.

7

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

9 *Eff. January 1, 1991;*

10 *Amended Eff. June 1, ~~2017~~, 2017;*

11 *Readopted Eff. January 1, 2021.*

1 15A NCAC 02N .0203 is readopted as published in 35:4 NCR 426 as follows:

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3 **15A NCAC 02N .0203 DEFINITIONS**

4 (a) The regulations governing "Definitions" set forth in 40 CFR 280.12 (Subpart A) are hereby incorporated by  
5 ~~reference,~~reference excluding any subsequent amendments and editions, except that:

- 6 (1) ~~40 CFR 280.12~~"UST system" shall be changed to read "'UST system' or 'Tank system' means an  
7 underground storage tank, connected underground piping, underground ancillary equipment,  
8 dispenser, and containment system, if any";  
9 (2) ~~40 CFR 280.12~~"Class A operator" shall not be incorporated by reference;  
10 (3) ~~40 CFR 280.12~~"Class B operator" shall not be incorporated by reference;  
11 (4) ~~40 CFR 280.12~~"Class C operator" shall not be incorporated by reference;  
12 (5) ~~40 CFR 280.12~~"Replaced" shall not be incorporated by reference; and  
13 (6) ~~40 CFR 280.12~~"Secondary containment or secondarily contained" shall not be incorporated by  
14 reference.

15 ~~(b) This Rule shall apply throughout this Subchapter except that:~~

- 16 ~~(1) "Implementing agency" shall mean the "Division of Waste Management."~~  
17 ~~(2) "Division" shall mean the "Division of Waste Management."~~  
18 ~~(3) "Director" and "Director of the Implementing Agency" shall mean the "Director of the Division of~~  
19 ~~Waste Management."~~

20 ~~(b)~~ The following definitions shall apply throughout this Subchapter:

- 21 (1) "De minimis concentration" means the amount of a regulated substance that does not exceed one  
22 percent (4%) of the capacity of a tank, excluding piping and vent lines.  
23 (2) "Director" and "Director of the Implementing Agency" means the "Director of the Division of Waste  
24 Management."  
25 (3) "Division" means the "Division of Waste Management."  
26 ~~(2)~~(4) "Expediently emptied after use" means the removal of a regulated substance from an emergency  
27 spill or overflow containment UST system within 48 hours after use of the UST system has ceased.  
28 (5) "Implementing agency" means the "Division of Waste Management."  
29 ~~(3)~~(6) "Previously closed" means:  
30 (A) An UST system from which all regulated substances had been removed, the tank had been  
31 filled with a solid inert material, and tank openings had been sealed or capped prior to  
32 December 22, 1988; or  
33 (B) An UST system removed from the ground prior to December 22, 1988.  
34 ~~(4)~~(7) "Temporarily closed" means:  
35 (A) An UST system from which the product has been removed such that not more than one  
36 inch of product and residue are present in any portion of the tank; or

1 (B) Any UST system in use as of December 22, 1988 that complies with the provisions of ~~15A~~  
 2 ~~NCAC 02N .0801~~ Rule .0801 of this Subchapter.

3 ~~(5)~~(8) "Secondary containment" means a method or combination of methods of release detection for UST  
 4 systems that includes:

5 (A) For tank installations or replacements completed prior to November 1, 2007, double-walled  
 6 construction and external ~~liners (including vaults);~~ liners, including vaults;

7 (B) For underground piping installations or replacements completed prior to November 1,  
 8 2007, trench liners and double-walled construction;

9 (C) For tank installations or replacements completed on or after November 1, 2007, double-  
 10 walled construction and interstitial release detection monitoring that meet the requirements  
 11 of Section .0900 of this Subchapter; and

12 (D) For all other UST system component installations or replacements completed on or after  
 13 November 1, 2007, double-walled construction or containment within a liquid-tight sump  
 14 and interstitial release detection monitoring that meet the requirements of Section .0900 of  
 15 this Subchapter. Upon written request, the Division shall approve other methods of  
 16 secondary containment for connected piping that it determines are capable of meeting the  
 17 requirements of Section .0900 of this Subchapter.

18 ~~(6)~~(9) "Interstitial space" means the opening formed between the inner and outer wall of an UST system  
 19 with double-walled construction or the opening formed between the inner wall of a containment  
 20 sump and the UST system component that it contains.

21 ~~(7)~~(10) "Replace" means to remove an UST system or UST system component and to install another UST  
 22 system or UST system component in its place.

23 ~~(8)~~(11) "UST system component or tank system component" means any part of an UST system.

24  
 25 *History Note:* Authority G.S. 143-215.3(a)(15); 143B-282(a)(2)(h); ~~150B-21.6;~~

26 Eff. January 1, 1991;

27 Temporary Amendment Eff. January 7, 1991 For a Period of 180 Days to Expire on July 6, 1991;

28 Temporary Amendment Expired July 6, 1991;

29 Amended Eff. June 1, 2017; November 1, ~~2007-2007;~~

30 Readopted Eff. January 1, 2021.

1 15A NCAC 02N .0301 is is readopted as published in 35:4 NCR 426 as follows:

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3 **15A NCAC 02N .0301 PERFORMANCE STANDARDS FOR UST SYSTEM INSTALLATIONS OR**  
4 **REPLACEMENTS COMPLETED AFTER DECEMBER 22, 1988 AND BEFORE**  
5 **NOVEMBER 1, 2007**

6 (a) The regulations governing "Performance standards for new UST systems" set forth in 40 CFR 280.20 (Subpart B)  
7 are hereby incorporated by ~~reference,~~reference excluding any subsequent amendments and editions, except that:

8 (1) 40 CFR 280.20(a)(4) shall not be incorporated by reference;

9 (2) 40 CFR 280.20(b)(3) shall not be incorporated by reference; ~~and~~

10 (3) UST system or UST system component installations or replacements completed on or after  
11 November 1, 2007, shall also meet the requirements of Section .0900 of this ~~Subchapter.~~Subchapter;  
12 and

13 (4) Note to Paragraph (d) of 40 CFR 280.20 is amended to include Petroleum Equipment Institute  
14 Publication RP1000, "Recommended Practices for the Installation of Marina Fueling Systems."

15 (b) No UST system shall be installed within 100 feet of a well serving a public water system, as defined in G.S. 130A-  
16 313(10), or within 50 feet of any other well supplying water for human consumption.

17 (c) An UST system existing on January 1, 1991, and located within the area described in Paragraph (b) of this Rule  
18 may be replaced with a new tank meeting the performance standards of 40 CFR 280.20 and the secondary containment  
19 provisions of 40 CFR 280.42(a) through (d). The replacement UST system shall not be located nearer to the water  
20 supply source than the UST system being replaced.

21 (d) Except as prohibited in Paragraph (b) of this Rule, an UST system shall meet the requirements for secondary  
22 containment described at 40 CFR 280.42(a) through (d):

23 (1) Within 500 feet of a well serving a public water supply or within 100 feet of any other well supplying  
24 water for human consumption; or

25 (2) Within 500 feet of any surface water classified as High Quality ~~Water (HQW),~~Waters (HQW);  
26 Outstanding Resource water (ORW),Waters (ORW); ~~WS I, WS II or SA.~~Water Supply I – Natural  
27 (WS-I); Water Supply II – Undeveloped (WS-II); Market Shellfishing, Salt Water (SA).

28 (e) An UST system or UST system component installation completed on or after November 1, 2007, to replace an  
29 UST system or UST system component located within the areas described in Paragraphs (b), (c), or (d) of this Rule  
30 shall meet the requirements of Section .0900 of this Subchapter.

31 (f) ~~40 CFR 280.20 Note to paragraph (d) is amended to include Petroleum Equipment Institute Publication RP1000,~~  
32 ~~"Recommended Practices for the Installation of Marina Fueling Systems."~~

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

35 *Eff. January 1, 1991;*

36 *Amended Eff. June 1, 2017; November 1, 2007-2007;*

37 *Readopted Eff. January 1, 2021.*

1 15A NCAC 02N .0302 is readopted as published in 35:4 NCR 426 as follows:

2  
3 **15A NCAC 02N .0302 UPGRADING OF EXISTING UST SYSTEMS AFTER DECEMBER 22, 1998 AND**  
4 **BEFORE NOVEMBER 1, 2007**

5 (a) The regulations governing "Upgrading of existing UST systems" set forth in 40 CFR 280.21 (Subpart B) are  
6 hereby incorporated by ~~reference,~~reference excluding any subsequent amendments and editions, except that:

7 (1) existing UST systems located within the areas described in Rule .0301(b) and (d) of this Section  
8 shall be upgraded in accordance with the provisions of 40 CFR 280.21(b) through (d) and shall be  
9 provided with secondary containment as described in 40 CFR 280.42(a) through (d). An UST system  
10 upgraded shall not be located nearer to a source of drinking water supply than its location prior to  
11 being upgraded; and

12 (2) 40 CFR 280.21 Note to paragraph b(1)(ii)(C) shall not be incorporated by reference.

13 (b) Owners and operators shall submit notice of the upgrading of any UST system conducted in accordance with the  
14 requirements of 40 CFR 280.21 to the Division, within 30 days following completion of the upgrading activity. The  
15 notice shall include form "UST-8 Notification of Activities Involving Underground Storage Tank Systems," which is  
16 set forth in Rule .0303(1)(b) of this Section.

17 (c) UST systems upgraded in accordance with 40 CFR 280.21 prior to January 1, 1991, are in compliance with this  
18 Rule.

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

22  
23 *History Note: Authority G.S. 143-215.3(a)(15); 143B-282(a)(2)(h); ~~150B-21.6;~~*

24 *Eff. January 1, 1991;*

25 *Amended Eff. June 1, 2017; November 1, ~~2007-2007;~~*

26 *Readopted Eff. January 1, 2021.*

1 15A NCAC 02N .0303 is readopted with changes as published in 35:4 NCR 426 as follows:

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

4 The regulations governing "Notification requirements" set forth in 40 CFR 280.22 (Subpart B) are hereby incorporated  
5 by ~~reference,~~ reference excluding any subsequent amendments and editions, except that:

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

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

10 (b) notice of installation of a leak detection device installed outside of the outermost wall of  
11 the tank and piping, such as vapor detection or groundwater monitoring devices, shall be  
12 given at least 30 days before the activity begins. The notice shall be provided on form  
13 "UST-8 Notification of Activities Involving Underground Storage Tank Systems," which  
14 may be accessed free of charge at [http://deq.nc.gov/about/divisions/waste-](http://deq.nc.gov/about/divisions/waste-management/underground-storage-tanks-section/forms)  
15 [management/underground-storage-tanks-section/forms](http://deq.nc.gov/about/divisions/waste-management/underground-storage-tanks-section/forms). Form "UST-8 Notification of  
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  
18 X (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  
21 product 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,  
25 and riser pipes;

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

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

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

31 (x) leak detection equipment manufacturer and model;

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

1 "UST-3 Notice of Intent: UST Permanent Closure or Change-in-Service," which may be  
 2 accessed free of charge at <http://deq.nc.gov/about/divisions/waste->  
 3 management/underground-storage-tanks-section/forms. Form "UST-3 Notice of Intent:  
 4 UST Permanent Closure or Change-in-Service" shall include:

- 5 (i) owner identification and contact information;
- 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-  
 10 in-service;
- 11 (vi) for permanent closure, the proposed method of UST System closure – removal or  
 12 fill 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  
 18 accessed free of charge at <http://deq.nc.gov/about/divisions/waste->  
 19 management/underground-storage-tanks-section/forms. Form "UST-15 Change of  
 20 Ownership of UST System(s)" shall include:

- 21 (i) the same information provided in Appendix II to 40 CFR 280;
- 22 (ii) site location information;
- 23 (iii) notarized signature of the new owner of an UST system;
- 24 (iv) name and notarized signature of the previous owner of an UST system; and
- 25 (v) appended information shall include documentation of an UST system ownership  
 26 transfer such as a property deed or bill of ~~sale and for a sale. A person signing the~~  
 27 form on behalf of ~~another, another shall provide documentation they can legally~~  
 28 sign in such capacity, such as an officer of a corporation, administrator of an  
 29 estate, representative of a public agency, or as having power of ~~attorney,~~  
 30 documentation showing that the person can legally sign in such capacity.

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



- 1           (3)       Beginning October 24, 1988, any person who sells a tank intended to be used as an UST shall notify  
2                   the purchaser of such tank of the owner's notification obligations under Item (1) of this Rule.
- 3           (4)       Any reference in 40 CFR Part 280 to the notification form in Appendix I shall refer to the North  
4                   Carolina notification form "UST-8 Notification of Activities Involving Underground Storage Tank  
5                   Systems"-Systems."

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7   *History Note:*     *Authority G.S. 143-215.3(a)(15); 143B-282(a)(2)(h); ~~150B-21.6;~~*  
8                    *Eff. January 1, 1991;*  
9                    *Amended Eff. June 1, ~~2017~~; 2017;*  
10                    *Readopted Eff. January 1, 2021.*

1 15A NCAC 02N .0304 is is readopted as published in 35:4 NCR 426 as follows:

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3 **15A NCAC 02N .0304 IMPLEMENTATION SCHEDULE FOR PERFORMANCE STANDARDS FOR**  
4 **NEW UST SYSTEMS AND UPGRADING REQUIREMENTS FOR EXISTING**  
5 **UST SYSTEMS LOCATED IN AREAS 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 described in Rule .0301(d) of this Section. This implementation schedule shall govern tank owners and operators  
8 in complying with the secondary containment requirements set forth in Rule .0301(d) of this Section for new UST  
9 systems and the secondary containment requirements set forth in Rule .0302(a) of this Section for existing UST  
10 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  
16 of 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  
18 containment 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, may seek  
22 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  
24 of April 1, 2001. The enhanced leak detection monitoring shall consist of the following:

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

1 <http://www.standardmethods.org/> at a cost of ~~sixty nine dollars (\$69.00);~~seventy-five  
 2 dollars (\$75.00);

3 (B) EPA Method ~~625,625.1~~, Base/Neutrals and Acids, which is incorporated by 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)  
 6 [\\_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,6010D~~, Inductively Coupled  
 10 ~~Plasma-Atomic~~ Plasma-Optical Emission Spectrometry, which is incorporated by  
 11 reference including subsequent amendments and editions, and may be accessed free of  
 12 charge at <http://www.epa.gov/epawaste/hazard/testmethods/sw846/pdfs/6010e.pdf>  
 13 <https://www.epa.gov/sites/production/files/2015-12/documents/6010d.pdf> or Method  
 14 ~~6020A,6020B~~, Inductively Coupled Plasma-Mass Spectrometry, which is incorporated by  
 15 reference including subsequent amendments and editions, and may be accessed free of  
 16 charge at <http://www.epa.gov/epawaste/hazard/testmethods/sw846/pdfs/6020a.pdf>;  
 17 <https://www.epa.gov/sites/production/files/2015-12/documents/6020b.pdf>; and

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

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

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

- 30 (1) The variance will not endanger human health and welfare or groundwater; and  
 31 (2) UST systems are operated and maintained in compliance with 40 CFR Part 280, Article 21A of G.S.  
 32 143B, and the rules in this Subchapter.

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

- 36 (1) Water supply well location, depth, construction specifications, and sampling results;  
 37 (2) Groundwater depth and flow direction; and

- 1           (3)       Leak detection monitoring and testing results.
- 2 (f) The Environmental Management Commission may impose such conditions on a variance as the Environmental  
3 Management Commission deems necessary to protect human health and welfare and groundwater. Conditions for a  
4 variance may include the following:
- 5           (1)       Increased frequency of leak detection and leak prevention monitoring and testing;
- 6           (2)       Periodic water supply well sampling; and
- 7           (3)       Increased reporting and recordkeeping.
- 8 (g) The findings of fact supporting any variance under this Rule shall be in writing and made part of the variance.
- 9 (h) The Environmental Management Commission may rescind a variance that was previously granted if the  
10 Environmental Management Commission discovers through inspection or reporting that the conditions of the variance  
11 are not met or that the facts no longer support the conclusions in Subparagraphs (d)(1) and (2) of this Rule.
- 12 (i) An owner of an UST system who is aggrieved by a decision of the Environmental Management Commission to  
13 deny or rescind a variance or to conditionally grant a variance may commence a contested case by filing a petition  
14 pursuant to G.S. 150B-23 within 60 days after receipt of the decision.

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16 *History Note:*     *Authority G.S. 143-215.3(a)(15); 143B-282(a)(2)(h);*  
17                     *Temporary Adoption Eff. May 1, 2000;*  
18                     *Eff. April 1, 2001;*  
19                     *Amended Eff. June 1, 2017; June 1, 2015; November 1, ~~2007-2007~~;*  
20                     *Readopted Eff. January 1, 2021.*

1 15A NCAC 02N .0401 is is readopted as published in 35:4 NCR 426 as follows:

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3 **15A NCAC 02N .0401 SPILL AND OVERFILL CONTROL**

4 The regulations governing "Spill and overfill control" set forth in 40 CFR 280.30 (Subpart C) are hereby incorporated  
5 by ~~reference~~reference excluding any subsequent amendments and editions.

6

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

8 *Eff. January 1, 1991;*

9 *Amended Eff. June 1, ~~2017~~; 2017;*

10 *Readopted Eff. January 1, 2021.*

1 15A NCAC 02N .0402 is readopted as published in 35:4 NCR 426 as follows:

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3 **15A NCAC 02N .0402 OPERATION AND MAINTENANCE OF CORROSION PROTECTION**

4 The regulations governing "Operation and maintenance of corrosion protection" set forth in 40 CFR 280.31 (Subpart  
5 C) are hereby incorporated by ~~reference.~~reference excluding any subsequent amendments and editions.

6

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

8 *Eff. January 1, 1991;*

9 *Amended Eff. June 1, ~~2017;~~2017;*

10 *Readopted Eff. January 1, 2021.*

1 15A NCAC 02N .0403 is readopted as published in 35:4 NCR 426 as follows:

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3 **15A NCAC 02N .0403 COMPATIBILITY**

4 The regulations governing "Compatibility" set forth in 40 CFR 280.32 (Subpart C) are hereby incorporated by  
5 ~~reference.~~reference excluding any subsequent amendments and editions.

6

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

8 *Eff. January 1, 1991;*

9 *Amended Eff. June 1, ~~2017;~~2017;*

10 *Readopted Eff. January 1, 2021.*

1 15A NCAC 02N .0404 is readopted as published in 35:4 NCR 426 as follows:

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

4 The regulations governing "Repairs Allowed" set forth in 40 CFR 280.33 (Subpart C) are hereby incorporated by  
 5 ~~reference,~~reference excluding any subsequent amendments and editions, except that the first sentence of 40 CFR  
 6 280.33(d) shall be read: "Repairs to secondary containment areas of tanks and piping used for interstitial monitoring  
 7 and to containment sumps used for interstitial monitoring of piping shall have the secondary containment tested for  
 8 tightness as directed by the Division within 30 days following the date of completion of the repair." When determining  
 9 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  
 12 rate with a probability of detection (Pd) of at least 95 percent and a probability of false alarm (Pfa)  
 13 of no 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 testing after repairs are conducted; and
- 16 (5) test methods developed by an independent laboratory.

17

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

19 *Eff. January 1, 1991;*

20 *Amended Eff. June 1, ~~2017;~~2017;*

21 *Readopted Eff. January 1, 2021.*



1 15A NCAC 02N .0405 is readopted with changes as published in 35:4 NCR 426 as follows:

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

4 (a) The regulations governing "Reporting and recordkeeping" set forth in 40 CFR 280.34 (Subpart C) are hereby  
5 incorporated by ~~reference~~-reference excluding any subsequent amendments and editions.

6 (b) Owners and operators shall submit to the Division, within 30 days following completion, results of the site  
7 investigation conducted:

8 (1) at permanent closure or change-in-service. The results of the site investigation for permanent closure  
9 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  
17 of 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  
19 water supplies, presence and location of water supply wells and surface water, depth to and  
20 nature 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  
23 change-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,  
28 type and source of backfill used, and any groundwater, free product, or bedrock  
29 encountered in the 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  
32 analysis;

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

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

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

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

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

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

(2) Certification of the proper operation of a corrosion protection system upon completion of testing in compliance with 40 CFR 280.31; and

(A) Certification of proper operation and testing of a galvanic corrosion protection system shall be provided on form "UST-7A Cathodic Protection System Evaluation for Galvanic (Sacrificial Anode) Systems," which may be accessed free of charge at <http://deq.nc.gov/about/divisions/waste-management/underground-storage-tanks-section/forms>. Form "UST-7A Cathodic Protection System Evaluation for Galvanic (Sacrificial Anode) 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~~Corrosion Engineers International Institute 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 on, 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) description of any repair or modification made to the corrosion protection system;  
4 (xii) site drawing, including the UST systems, on-site buildings, adjacent streets,  
5 anodes and wires, reference electrode placement, and test stations;  
6 (xiii) corrosion protection continuity survey, including location of fixed remote  
7 reference electrode placement, structures evaluated using fixed remote instant-off  
8 voltages or point-to-point voltage differences, and if structures are continuous or  
9 isolated; and  
10 (xiv) corrosion protection system survey, including locations of remote reference  
11 electrode, structure evaluated, structure contact point, local reference cell  
12 placement, local voltage, remote voltage, and if tested structure passed, failed, or  
13 was inconclusive relative to the criteria for evaluation.
- 14 (B) Certification of proper operation and testing of an impressed current corrosion protection  
15 system shall be provided on form "UST-7B Cathodic Protection System Evaluation for  
16 Impressed Current Systems," which may be accessed free of charge at  
17 [http://deq.nc.gov/about/divisions/waste-management/underground-storage-tanks-](http://deq.nc.gov/about/divisions/waste-management/underground-storage-tanks-section/forms)  
18 [section/forms](http://deq.nc.gov/about/divisions/waste-management/underground-storage-tanks-section/forms). Form "UST-7B Cathodic Protection System Evaluation for Impressed  
19 Current Systems" shall include:  
20 (i) owner identification and contact information;  
21 (ii) site location information;  
22 (iii) reason that a corrosion protection system was evaluated, including a routine test  
23 within six months of corrosion protection system installation, a routine test every  
24 three years following corrosion protection system installation, or a test following  
25 a repair or modification;  
26 (iv) corrosion protection tester's name, contact information, corrosion protection tester  
27 certification number, certifying organization, and certification type;  
28 (v) corrosion protection tester's evaluation, including pass, fail, or inconclusive;  
29 (vi) corrosion expert's name, address, contact information, National Association of  
30 ~~corrosion~~ Corrosion Engineers International Institute certification number, and  
31 certification type or Professional Engineer number, state, and specialty;  
32 (vii) corrosion expert's evaluation, including pass or fail;  
33 (viii) criteria for evaluation, including 850 millivolt instant off or 100 millivolt  
34 polarization;  
35 (ix) action required as a result of the evaluation, including none or repair and retest;  
36 (x) description of UST system, including tank identity, product stored, tank capacity,  
37 tank and piping construction material, and presence of metal flexible connectors;

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

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

23

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

25 *Eff. January 1, 1991;*

26 *Amended Eff. June 1, ~~2017~~2017;*

27 *Readopted Eff. January 1, 2021.*

1 15A NCAC 02N .0406 is amended as published in 35:4 NCR 426 as follows:

2  
3 **15A NCAC 02N .0406 PERIODIC TESTING OF SPILL PREVENTION EQUIPMENT AND**  
4 **CONTAINMENT SUMPS USED FOR INTERSTITIAL MONITORING OF**  
5 **PIPING AND PERIODIC INSPECTION OF OVERFILL PREVENTION**  
6 **EQUIPMENT**

7 The regulations governing "Periodic testing of spill prevention equipment and containment sumps used for interstitial  
8 monitoring of piping and periodic inspection of overfill prevention equipment" set forth in 40 CFR 280.35 (Subpart  
9 C) are hereby incorporated by ~~reference,~~reference excluding any subsequent amendments and editions, except ~~that~~  
10 that:

11 (1) UST system or UST system component installations or replacements completed on or after November 1,  
12 2007, shall meet the requirements of Section .0900 of this Subchapter.

13 (2) 40 CFR 280.35(a)(1)(ii)(C) shall be rewritten as follows: (C) Requirements determined by the Division to be  
14 no less protective of human health and the environment than the requirements listed in Paragraphs  
15 (a)(1)(ii)(A) and (B) of this section.

16  
17 *History Note:* Authority *G.S. 143-215.3(a)(15); 143B-282(a)(2)(h); ~~150B-21.6;~~*

18 *Eff. June 1, ~~2017-2017;~~*

19 *Amended Eff. January 1, 2021.*

1 15A NCAC 02N .0501 is readopted as published in 35:4 NCR 426 as follows:

2

3 **15A NCAC 02N .0501 GENERAL REQUIREMENTS FOR ALL UST SYSTEMS**

4 The regulations governing "General requirements for all UST systems" set forth in 40 CFR 280.40 (Subpart D) are  
5 hereby incorporated by ~~reference~~reference excluding any subsequent amendments and editions.

6

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

8 *Eff. January 1, 1991;*

9 *Amended Eff. June 1, ~~2017~~;2017;*

10 *Readopted Eff. January 1, 2021.*

1 15A NCAC 02N .0502 is readopted as published in 35:4 NCR 426 as follows:

2

3 **15A NCAC 02N .0502 REQUIREMENTS FOR PETROLEUM UST SYSTEMS**

4 The regulations governing "Requirements for petroleum UST systems" set forth in 40 CFR 280.41 (Subpart D) are  
5 hereby incorporated by ~~reference,~~reference excluding any subsequent amendments and editions, except that UST  
6 systems located within areas described in Rule .0301(d) of this Subchapter shall meet the requirements for secondary  
7 containment described at 40 CFR 280.42(a) through (d) if the UST system installation or replacement was completed  
8 before November 1, 2007. UST system or UST system component installations or replacements completed on or after  
9 November 1, 2007, shall meet the secondary containment requirements of Section .0900 of this Subchapter.

10

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

12 *Eff. January 1, 1991;*

13 *Amended Eff. June 1, 2017; November 1, 2007-2007;*

14 *Readopted Eff. January 1, 2021.*

1 15A NCAC 02N .0503 is readopted as published in 35:4 NCR 426 as follows:

2

3 **15A NCAC 02N .0503 REQUIREMENTS FOR HAZARDOUS SUBSTANCE UST SYSTEMS**

4 The regulations governing "Requirements for hazardous substance UST systems" set forth in 40 CFR 280.42 (Subpart  
5 D) are hereby incorporated by ~~reference,~~reference excluding any subsequent amendments and editions, except that  
6 hazardous substance UST systems or UST system components installed or replacements completed on or after  
7 November 1, 2007, shall meet the secondary containment requirements of Section .0900 of this Subchapter.

8

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

10 *Eff. January 1, 1991;*

11 *Amended Eff. June 1, 2017; November 1, ~~2007, 2007;~~*

12 *Readopted Eff. January 1, 2021.*



1 15A NCAC 02N .0504 is readopted as published in 35:4 NCR 426 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" set forth in 40 CFR 280.43 (Subpart D) are  
5 hereby incorporated by ~~reference,~~reference excluding any subsequent amendments and editions, except that 40 CFR  
6 280.43(f)(3), (f)(4), and (f)(5) shall not be adopted by reference.

7 (b) Wells used for monitoring or testing for free product in the groundwater shall be:

8 (1) ~~Located as follows:~~located

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

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

13 (2) ~~A~~a minimum of two inches in ~~diameter.~~diameter;

14 (3) ~~The number of wells installed shall be sufficient to detect releases from the UST system;~~installed  
15 such that a release from any portion of the UST will be detected;

16 (3)(4) ~~Equipped~~equipped with a screen that extends from two feet below land surface to a depth of 20 feet  
17 below land surface or two feet below the seasonal low water level, whichever is shallower. The  
18 screen shall be designed and installed to prevent the migration of natural soils or filter pack into the  
19 well while allowing the entry of regulated substances into the well under both high and low  
20 groundwater level conditions;

21 (4)(5) ~~Surrounded~~surrounded with clean sand or gravel to the top of the screen, plugged and grouted the  
22 remaining distance to finished grade with cement grout;

23 (5)(6) ~~Constructed~~constructed of a permanent casing and screen material that is inert to the stored  
24 substance and is corrosion resistant;

25 (6)(7) ~~Developed~~developed upon completion of installation until the water is clear and sediment free;

26 (7)(8) ~~Protected~~protected with a water-tight cover and lockable cap;

27 (8)(9) ~~Labeled~~labeled as a liquid monitor well; and

28 (9)(10) ~~Equipped~~equipped with a liquid leak detection device ~~continuously~~ operating on an uninterrupted  
29 basis; or

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

32 (B) For tanks storing hazardous substances, sampled and tested at least once every 14 days for  
33 the presence of the stored substance.

34 (c) Wells used for monitoring or testing for free product in the groundwater at new installations and constructed in  
35 accordance with Paragraph (b) of this Rule shall be deemed to be permitted in accordance with the requirements of  
36 15A NCAC 02C .0105.

1 (d) Any person completing or abandoning any well used for testing of vapors or monitoring for free product in the  
2 groundwater shall submit the ~~record-report~~ required by 15A NCAC 02C .0114(b).

3 (e) Wells used for monitoring for the presence of vapors in the soil gas of the excavation zone shall be equipped with  
4 a ~~continuously operating~~ vapor detection device operating on an uninterrupted basis or tested at least once every 14  
5 days for vapors of the substance stored.

6  
7 *History Note: Authority G.S. 143-215.3(a)(15); 143B-282(a)(2)(h); ~~150B-21.6;~~*

8 *Eff. January 1, 1991;*

9 *Amended Eff. June 1, ~~2017~~; 2017;*

10 *Readopted Eff. January 1, 2021.*

1 15A NCAC 02N .0505 is readopted as published in 35:4 NCR 426 as follows:

2

3 **15A NCAC 02N .0505 METHODS OF RELEASE DETECTION FOR PIPING**

4 The regulations governing "Methods of release detection for piping" set forth in 40 CFR 280.44 (Subpart D) are hereby  
5 incorporated by ~~reference~~reference excluding any subsequent amendments and editions.

6

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

8 *Eff. January 1, 1991;*

9 *Amended Eff. June 1, ~~2017~~2017;*

10 *Readopted Eff. January 1, 2021.*

1 15A NCAC 02N .0506 is readopted as published in 35:4 NCR 426 as follows:

2

3 **15A NCAC 02N .0506 RELEASE DETECTION RECORDKEEPING**

4 The regulations governing "Release detection recordkeeping" set forth in 40 CFR 280.45 (Subpart D) are hereby  
5 incorporated by ~~reference~~reference excluding any subsequent amendments and editions.

6

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

8 *Eff. January 1, 1991;*

9 *Amended Eff. June 1, ~~2017~~2017;*

10 *Readopted Eff. January 1, 2021.*

1 15A NCAC 02N .0601 is readopted as published in 35:4 NCR 426 as follows:

2

3 **15A NCAC 02N .0601 REPORTING OF SUSPECTED RELEASES**

4 The regulations governing "Reporting of suspected releases" set forth in 40 CFR 280.50 (Subpart E) are hereby  
5 incorporated by ~~reference,~~reference excluding any subsequent amendments and editions, except that the words "or  
6 another reasonable period specified by the implementing agency," shall be deleted from the first sentence.

7

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

9 *Eff. January 1, 1991;*

10 *Amended Eff. June 1, ~~2017,~~2017;*

11 *Readopted Eff. January 1, 2021.*

1 15A NCAC 02N .0602 is readopted as published in 35:4 NCR 426 as follows:

2

3 **15A NCAC 02N .0602 INVESTIGATION DUE TO OFF-SITE IMPACTS**

4 The regulations governing "Investigation due to off-site impacts" set forth in 40 CFR 280.51 (Subpart E) are hereby  
5 incorporated by ~~reference~~reference excluding any subsequent amendments and editions.

6

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

8 *Eff. January 1, 1991;*

9 *Amended Eff. June 1, ~~2017~~2017;*

10 *Readopted Eff. January 1, 2021.*

1 15A NCAC 02N .0603 is readopted as published in 35:4 NCR 426 as follows:

2

3 **15A NCAC 02N .0603 RELEASE INVESTIGATION AND CONFIRMATION STEPS**

4 The regulations governing "Release investigation and confirmation steps" set forth in 40 CFR 280.52 (Subpart E) are  
5 hereby incorporated by ~~reference,~~reference excluding any subsequent amendments and editions, except that in 40 CFR  
6 280.52 the words "or another reasonable time period specified by the implementing agency" shall not be adopted by  
7 reference. Upon written request, the Division may grant additional time to investigate and confirm suspected releases  
8 as specified in 40 CFR 280.53. The request shall be made to the Division prior to the expiration of the required time  
9 period. When considering such a request, the Division may consider factors as follows:

- 10 (1) the extent to which the request for additional time is due to factors outside of the control of the tank  
11 owner or operator;
- 12 (2) the previous history of the tank owner or operator submitting the report in complying with deadlines  
13 established under the Commission's rules;
- 14 (3) the technical complications associated with investigating and confirming suspected releases; and  
15 (4) the necessity for action to eliminate an imminent threat to public health or the environment.

16

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

18 *Eff. January 1, 1991;*

19 *Amended Eff. June 1, 2017, 2017;*

20 *Readopted Eff. January 1, 2021.*

1 15A NCAC 02N .0604 is readopted as published in 35:4 NCR 426 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" set forth in 40 CFR 280.53 (Subpart E) are  
5 hereby incorporated by ~~reference~~, reference excluding any subsequent amendments and editions, except that:

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

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

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

12 (4) ~~Upon~~ upon written request, the Division may grant additional time to submit the reports specified in  
13 40 CFR 280.53. The request shall be made to the Division prior to the expiration of the required  
14 time period. When considering such a request, the Division may consider factors as follows:

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

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

19 (c) the technical complications associated with reporting and cleanup of spills and overfills;  
20 and

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

22

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

24 Eff. January 1, 1991;

25 Amended Eff. June 1, ~~2017~~; 2017;

26 Readopted Eff. January 1, 2021.



1 15A NCAC 02N .0701 is readopted as published in 35:4 NCR 426 as follows:

2

3 **15A NCAC 02N .0701 GENERAL**

4 (a) The regulations governing "General" set forth in 40 CFR 280.60 (Subpart F) are hereby incorporated by reference.

5 (b) Any corrective action undertaken in accordance with this Section shall meet the requirements and standards  
6 specified in 15A NCAC 02L.

7

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

9 *Eff. January 1, 1991;*

10 *Amended Eff. September 1, 1992;*

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

12 *Amended Eff. June 1, 2017; October 29, ~~1998-1998;~~*

13 *Readopted Eff. January 1, 2021.*