

**15A NCAC 02L .0504 REQUIRED INITIAL RESPONSE AND ABATEMENT ACTIONS BY RESPONSIBLE PARTY**

Upon a discharge or release of petroleum from a non-UST petroleum source the responsible party shall:

- (1) take actions to prevent all further discharge or release of petroleum from the non-UST petroleum source; identify and mitigate all fire, explosion, or vapor hazard; and report the release within 24 hours of discovery, in compliance with G.S. 143-215.83(a), 84(a), and 85(b);
- (2) perform initial abatement actions to measure for the presence of a release where contamination is most likely to be present; confirm the source of the release; investigate to determine the possible presence of free product; begin free product removal; and to continue to monitor and mitigate all additional fire, explosion, or vapor hazards posed by vapors or by free product; and submit a report to the Department of Environmental Quality, UST Section, Regional Office Supervisor in accordance with 15A NCAC 02B .0309 and .0311, within 20 days after release confirmation summarizing these initial abatement actions;
- (3) remove contaminated soil that would act as a continuing source of contamination to groundwater. For a new release, no further action shall be necessary if:
  - (a) initial abatement actions involving control and removal of contaminated materials are initiated within 48 hours from discovery and before contaminated materials begin to impact groundwater; and
  - (b) analysis, in accordance with the approved methods in Rule .0412 of this Subchapter, of representative samples of remaining soils shows concentrations:
    - (i) at or below the more stringent of the soil-to-groundwater concentration value and the residential maximum soil contamination concentration value; or
    - (ii) using other EPA-approved analytical methods in accordance with Rule .0412(b)(7) of this Subchapter, concentration values below the more stringent of the soil-to-groundwater concentration alkane and aromatic carbon fraction class values and the residential maximum soil contamination concentration alkane and aromatic carbon fraction class values;

For new releases, if the abatement actions cannot be initiated within 48 hours of discovery or if soil concentrations remain above the values in this Paragraph, the responsible party shall conduct all activities under Items (1) through (5) of this Rule;

- (4) conduct initial site assessment, assembling information about the site and the nature of the release, including the following:
  - (a) a site history and site characterization, including data on nature and estimated quantity of release and data from available sources and site investigations concerning surrounding populations, water quality, use, and approximate locations of wells, surface water bodies, and subsurface structures potentially affected by the release, subsurface soil conditions, locations of subsurface utilities, climatological conditions, and land use;
  - (b) the results of free product investigations and free product removal, if applicable;
  - (c) the results of groundwater and surface water investigations, if applicable;
  - (d) a summary of initial response and abatement actions; and
- (5) submit as required in Item (2) of this Rule, within 90 days of the discovery of the discharge or release:
  - (a) an initial assessment and abatement report as required in Item (4) of this Rule;
  - (b) soil assessment information sufficient to show that remaining unsaturated soil in the side walls and at the base of the excavation does not contain contaminant levels that exceed either the soil-to-groundwater or the residential maximum soil contaminant concentrations established by the Department pursuant to Rule .0511 of this Section, whichever is lower; and
  - (c) documentation to show that neither bedrock nor groundwater was encountered in the excavation or, if groundwater was encountered, that contaminant concentrations in groundwater were equal to or less than the groundwater quality standards established in Rule .0202 of this Subchapter. If such showing is made, the discharge or release shall be classified as low risk by the Department.

*History Note: Authority G.S. 143-215.3(a)(1); 143-215.84; 143-215.104AA; 143B-282; Eff. March 1, 2016;*

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