

15A NCAC 02N .0303 NOTIFICATION REQUIREMENTS

The regulations governing "Notification requirements" set forth in 40 CFR 280.22 are hereby incorporated by reference, excluding any subsequent amendments and editions, except that:

- (1) Owners and operators of an UST system shall submit to the Division, on forms provided by the Division, a notice of intent to conduct any of the following activities:
 - (a) notice of installation of a new UST system or UST system component shall be in accordance with Rule .0902 of this Subchapter;
 - (b) notice of installation of a leak detection device installed outside of the outermost wall of the tank and piping, such as vapor detection or groundwater monitoring devices, shall be given at least 30 days before the activity begins. The notice shall be provided on form "UST-8 Notification of Activities Involving Underground Storage Tank Systems," which may be accessed free of charge at <http://deq.nc.gov/about/divisions/waste-management/underground-storage-tanks-section/forms>. Form "UST-8 Notification of Activities Involving Underground Storage Tank Systems" shall include:
 - (i) the same information provided in Appendix I to 40 CFR 280, except that Sections X (2) and (3), and Section XI shall not be included on the form;
 - (ii) operator identification and contact information;
 - (iii) number of tank compartments and tank compartment identity, capacity, and product stored;
 - (iv) identity of tanks that are manifold together with piping;
 - (v) stage I Vapor Recovery equipment type and installation date;
 - (vi) corrosion protection methods for metal flexible connectors, submersible pumps, and riser pipes;
 - (vii) UST system and UST system component installation date, manufacturer, model, and leak detection monitoring method;
 - (viii) spill containment equipment installation date, manufacturer, model, and leak detection monitoring method;
 - (ix) overfill prevention equipment installation date, manufacturer, and model; and
 - (x) leak detection equipment manufacturer and model;
 - (c) notice of permanent closure or change-in-service of an UST system shall be given at least 30 days before the activity begins. The notice shall be provided on form "UST-3 Notice of Intent: UST Permanent Closure or Change-in-Service," which may be accessed free of charge at <http://deq.nc.gov/about/divisions/waste-management/underground-storage-tanks-section/forms>. Form "UST-3 Notice of Intent: UST Permanent Closure or Change-in-Service" shall include:
 - (i) owner identification and contact information;
 - (ii) site location information;
 - (iii) site contact information;
 - (iv) contractor and consultant identification and contact information;
 - (v) identity of UST systems to be permanently closed or that will undergo a change-in-service;
 - (vi) for permanent closure, the proposed method of UST System closure – removal or fill in-place;
 - (vii) for a change-in-service, the new contents to be stored;
 - (viii) proposed UST system closure or change-in-service date; and
 - (ix) signature of UST system owner;
 - (d) notice of a change of ownership of a UST system pursuant to 40 CFR 280.22(b) shall be provided on form "UST-15 Change of Ownership of UST System(s)," which may be accessed free of charge at <http://deq.nc.gov/about/divisions/waste-management/underground-storage-tanks-section/forms>. Form "UST-15 Change of Ownership of UST System(s)" shall include:
 - (i) the same information provided in Appendix II to 40 CFR 280;
 - (ii) site location information;
 - (iii) notarized signature of the new owner of an UST system;
 - (iv) name and notarized signature of the previous owner of an UST system; and

- (v) appended information shall include documentation of an UST system ownership transfer such as a property deed or bill of sale. A person signing the form on behalf of another shall provide documentation they can legally sign in such capacity, such as an officer of a corporation, administrator of an estate, representative of a public agency, or as having power of attorney.
- (2) Owners or operators who have not complied with the notification requirements in 40 CFR 280.22(a), shall complete the form "UST-8 Notification of Activities Involving Underground Storage Tank Systems" and submit the form to the Division.
- (3) Any person who sells a tank intended to be used as an UST shall notify the purchaser of such tank of the owner's notification obligations in Sub-Item (1)(b) of this Rule.
- (4) Any reference in 40 CFR Part 280 to the notification form in Appendix I shall refer to the North Carolina notification form "UST-8 Notification of Activities Involving Underground Storage Tank Systems."

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