

15A NCAC 020 .0204 AMOUNT AND SCOPE OF REQUIRED FINANCIAL RESPONSIBILITY

(a) Pursuant to G.S. 143-215.94H(a)(2), owners or operators shall maintain evidence of financial responsibility for taking corrective action and for compensating third parties for bodily injury and property damage caused by accidental releases arising from the operation of petroleum underground storage tanks. The minimum financial responsibility that shall be maintained per occurrence is determined by calculating the sum of the following:

- (1) twenty thousand dollars (\$20,000) for taking corrective action to cleanup environmental damage pursuant to G.S. 143-215.94B(b)(3);
- (2) one hundred thousand dollars (\$100,000) for compensating third parties for bodily injury and property damage pursuant to G.S. 143-215.94B(b)(5); and
- (3) the multiple of six hundred dollars (\$600.00) and the number of petroleum underground storage tanks that an owner or operator owns or operates in the state of North Carolina.

(b) The minimum financial responsibility that shall be maintained as an annual aggregate is equal to the per occurrence amount.

(c) Owners or operators shall annually review the amount of financial assurance provided. The amount of required financial assurance shall be adjusted at the time of the review.

(d) If an owner or operator uses separate mechanisms or separate combinations of mechanisms to demonstrate financial responsibility for different petroleum underground storage tanks, the amount of financial assurance required shall be based on the number of tanks covered by each such separate mechanism or combination of mechanisms.

(e) The amount of financial assurance required under this Rule exclude legal defense costs.

(f) The required amount of financial assurance does not in any way limit the liability of the owner or operator.

(g) Evidence of financial responsibility for petroleum underground storage tanks located in North Carolina shall be provided separately from that provided for petroleum underground storage tanks not located in North Carolina.

*History Note: Authority G.S. 143-215.94H; 143-215.94T;
Eff. July 1, 1992;
Readopted Eff. January 1, 2021.*