

**15A NCAC 02P .0406 APPORTIONMENT**

(a) If any of the underground storage tanks at a single facility contributing to a discharge or release which resulted in a single plume of soil, surface water, or groundwater contamination pursuant to G.S. 143-215.94B(b1) are not eligible for reimbursement, reimbursement shall be made at a rate equal to the number of tanks contributing to the discharge or release that are eligible for reimbursement divided by the total number of tanks contributing to the discharge or release.

(b) If multiple underground storage tanks at a single facility are contributing to a single discharge or release which resulted in a single plume of soil, surface water, or groundwater contamination, and the tanks are owned or operated by different persons, reimbursement may be made to any of the owners or operators as if the discharge or release were caused entirely by that person's underground storage tanks.

(c) If above ground and underground storage tanks at a single facility are both contributing to a single discharge or release which resulted in a single plume of soil, surface water, or groundwater contamination, reimbursement shall be apportioned based upon the volume of eligible tanks divided by the total volume of all tanks contributing to the release.

(d) Where multiple discharges or releases at a single facility which resulted in separate plume of soil, surface water, or groundwater contamination pursuant to G.S. 143-215.94B(b1) are addressed in a single cleanup action, expenses shall be reimbursed based on apportionment among the discharges or releases. The method of apportionment shall be as follows:

- (1) expenses related to a particular discharge or release shall be applied only to that discharge or release; or
- (2) expenses that are related to more than one discharge or release shall be apportioned on a pro rata basis among the discharges or releases.

*History Note: Authority G.S. 143-215.3; 143-215.94E; 143-215.94L; 143-215.94T; 143B-282;  
Eff. February 1, 1993;  
Readopted Eff. October 1, 2022.*