

**AGENDA ITEM:** 15-08 **Request for the adoption of the Hearing Officer's Recommendations on proposed amendments to the Underground Storage Tank Rules in 15A NCAC 02N .0304, .0903, and .0904**

**EXPLANATION:**

The Environmental Management Commission (EMC) is requested to approve proposed amendments to 15A NCAC 02N .0304, .0903 and .0904 in accordance with Session Law 2011-394 [Sections 11.4(c), 11.6(a), 11.6(b) and 11.7(a)] that directed the EMC to adopt several changes to rules governing UST systems. SL 2011-394 states that the rule changes must be substantively identical to the provision of the Act. SL 2013-413, Section 36 clarified the universe of USTs subject to the rule change directed by SL 2011-394, Section 11.6(a). Ruth Strauss of the Division of Waste Management UST Section proposed revisions to 15A NCAC 02N .0304, .0903 and .0904 and presented them to the Groundwater Committee and the full EMC on May 7<sup>th</sup> and 8<sup>th</sup>, 2014, respectively. Permission was granted to proceed to public hearing.

On December 4, 2014, NC DENR held a Public Hearing in Raleigh, NC to accept comments on the amendments. Donnie Redmond, Chief of the Ambient Monitoring Section in the NC DENR Division of Air Quality served as the appointed Hearing Officer. The hearing was held at 217 West Jones Street, Raleigh, NC. One person attended the hearing and submitted comments in writing. No other comments were received. A full record of the proceedings and the comments appears in the Hearing Officer's Report of Proceedings.

**RECOMMENDATION:**

Following a careful and comprehensive review of the submitted written comment, supporting data, and attachments to the record, the Hearing Officer recommends that the North Carolina Environmental Management Commission adopt the proposed amendments to 15A NCAC 02N .0304, .0903 and .0904.