15A NCAC 02N .0304 is proposed for amendment as follows:

15A NCAC 02N .0304 IMPLEMENTATION SCHEDULE FOR PERFOMANCE STANDARDS FOR NEW UST SYSTEMS AND UPGRADING REQUIREMENTS FOR EXISTING UST SYSTEMS LOCATED IN AREAS DEFINED IN RULE .0301(D)

(a) The following implementation schedule shall apply only to owners and operators of UST systems located within areas defined in Rule .0301(d) of this Section. This implementation schedule shall be used by the Department for tank owners and operators to comply with the secondary containment requirements contained in Rule .0301(d) for new UST systems and the secondary containment requirements contained in Rule .0302(a) for existing UST systems.

(1) All new UST systems and replacements to an UST system shall be provided with secondary containment as of April 1, 2001.

(2) All steel or metal connected piping and ancillary equipment of an UST regardless of date of installation, shall be provided with secondary containment as of January 1, 2005.

(3) All fiberglass or non-metal connected piping and ancillary equipment of an UST regardless of date of installation, shall be provided with secondary containment as of January 1, 2008.

(4) All UST systems installed on or before January 1, 1991 shall be provided with secondary containment as of January 1, 2008.

(5) All ~~UST systems~~ USTs installed after January 1, ~~1991~~ 1991, and prior to April 1, 2001, shall be provided with secondary containment as of January 1, ~~2016.~~ 2020. Owners of certain USTs subject to this requirement, may seek a variance in accordance with 15A NCAC 02N .0304 (d) through (g).

(b) All owners and operators of UST systems shall implement the following enhanced leak detection monitoring as of April 1, 2001. The enhanced leak detection monitoring must consist of the following:

(1) Install an automatic tank gauging system (ATG) for each UST;

(2) Install an electronic line leak detector (ELLD) for each pressurized piping system;

(3) Conduct at least one 0.1 gallon per hour (gph) test per month or at least one 0.2 gph test per week on each UST system;

(4) Conduct a line tightness test capable of detecting a leak rate of 0.1 gph, at least once per year for each suction piping system. No release detection is required for suction piping that is designed and constructed in accordance with 40 CFR 280.41(b)(2)(i) through (iv);

(5) If the UST system is located within 500 feet of a public water supply well or within 100 feet of any other well supplying water for human consumption, sample the supply well at least once per year. The sample collected from the well must be analyzed for the constituents of petroleum using the following methods:

(A) EPA Methods 601 and 602, including methyl tertiary butyl ether, isopropyl ether and xylenes;

(B) EPA Method 625; and

(C) If a waste oil UST system is present which does not meet the requirements for secondary containment in accordance with 40 CFR 280.42(b)(1) through (4), the sample shall also be analyzed for lead and chromium using Standard Method 3030C preparation.

(6) The first sample collected in accordance with Subparagraph (b)(5) of this Rule shall be collected and the results received by the Division by October 1, 2000 and yearly thereafter.

(c) An UST system or UST system component installation completed on or after November 1, 2007 to upgrade or replace an UST system or UST system component described in Paragraph (a) of this Rule shall meet the performance standards of Section .0900 of this Subchapter.

(d) The Director may grant a variance from the secondary containment upgrade requirements in 15A NCAC 02N .0304(a)(5) for USTs located within 100 to 500 feet of a public water supply well, if the well serves only a single facility and is not a community water system. Any request for a variance shall be in writing by the owner of the UST for which the variance is sought. The Director shall grant the variance if the Director finds facts to support the following conclusions:

(1) Such variance will not endanger human health and welfare or groundwater; and

(2) UST systems are operated and maintained in compliance with all applicable federal laws and regulations and state laws and rules.

(e) The Director may require the variance applicant to submit such information as the Director deems necessary to make a decision to grant or deny the variance. The Director may impose such conditions on a variance as the Director deems necessary to protect human health and welfare and groundwater. The findings of fact supporting any variance under this rule shall be in writing and made part of the variance.

(f) The Director may rescind a variance that was previously granted if the Director finds that the conditions of the variance are not met or that the facts no longer support the conclusions in 15A NCAC 02N .0304(d)(1) and (2).

(g) An owner of a UST system who is aggrieved by a decision of the Director to deny or rescind a variance, may commence a contested case by filing a petition under G.S. 150B-23 within 60 days after receipt of the decision.

History Note: *Authority G.S. 143-215.3(a)(15); 143B-282(a)(2)(h);*
Temporary Adoption Eff. May 1, 2000;
Eff. April 1, 2001;
Amended Eff. November 1, 2007.

15A NCAC 02N .0904 is proposed for amendment as follows:

15A NCAC 02N .0904 PIPING

(a) Piping, with the exception of flexible connectors and piping connections, shall be pre-fabricated with double-walled construction. Any flexible connectors or piping connections that do not have double-walled construction shall be installed in containment sumps that meet the requirements of 15A NCAC 02N .0905.

(b) Piping must be constructed of non-corroding materials. Metal flexible connectors and piping connections shall be installed in containment sumps that meet the requirements of 15A NCAC 02N .0905.

(c) Piping must comply with the UL 971 standard "Nonmetallic Underground Piping for Flammable Liquids;" that is in effect at the time the piping is installed. UL 971 standard "Nonmetallic Underground Piping for Flammable Liquids" is hereby incorporated by reference including subsequent amendments and editions. A copy may be obtained from Underwriters Laboratories, 333 Pfingsten Road, Northbrook, Illinois 60062-2096 at a cost of four hundred forty-five dollars ($445.00).

(d) Piping that is buried underground must be constructed with a device or method that allows it to be located once it is installed.

(e) Piping that conveys regulated substances under pressure must also be equipped with an automatic line leak detector that meets the requirements of 40 CFR 280.44(a).

~~(f) When existing piping is replaced or extended, the entire piping system shall meet the standards of this Section. However, if only existing riser pipes, flexible connectors, fittings, flanges, valves or pumps are replaced, then only the replacement equipment must meet the standards of this Section.~~

~~(g)~~ (f) At the time of installation, the primary containment and interstitial space of the piping shall be initially tested, monitored during construction and finally tested in accordance with the manufacturers written guidelines and PEI/RP100, "Recommended Practice for Installation of Underground Liquid Storage Systems." The presence of soap bubbles or water droplets or any loss of pressure beyond the limits specified by the piping manufacturer during testing shall be considered a failure of the integrity of the piping. If the piping fails a tightness test, it must be replaced or repaired by the manufacturer or the manufacturer's authorized representative in accordance with the manufacturer's written specifications. Following any repair, the piping must be re-tested for tightness in accordance with the manufacturers written guidelines and PEI/RP100, "Recommended Practice for Installation of Underground Liquid Storage Systems."

~~(h)~~ (g) Piping that is not monitored continuously for releases using vacuum, pressure or hydrostatic methods, must be tested for tightness every three years following installation. The primary containment and interstitial space of the piping shall be tested in accordance with the manufacturers written guidelines and PEI/RP100 "Recommended Practice for Installation of Underground Liquid Storage Systems." If the piping fails a tightness test, it must be replaced or repaired by the manufacturer or the manufacturer's authorized representative in accordance with the manufacturer's specifications. Following any repair, the piping must be re-tested for tightness. The most recent periodic tightness test record must be maintained at the UST site or the tank owner or operator's place of business and must be readily available for inspection.

History Note: *Authority G.S. 143-215.3(A)(15); 143B-282(A)(2)(H);*

Eff. November 1, 2007.