



PAT MCCRORY
Governor

DONALD R. VAN DER VAART
Secretary

October 28, 2015

TO: Non-Commercial Tank Owners with Reported Releases Prior to 10/1/15
FROM: Art Barnhardt, Chief, Underground Storage Tank Section 
RE: Reimbursement of Directed Closure Activities at Non-Commercial Sites

On Sept. 18, 2015, Governor McCrory signed Session Law 2015-241, which included legislation that will bring the Noncommercial Underground Storage Tank (UST) reimbursement program to an end on Dec. 31, 2016, and limits eligibility to the remaining funds to only those releases reported prior to Oct. 1, 2015. As of October 1, 2015, no new releases may be submitted for reimbursement eligibility.

As described in the UST Section memorandum dated Sept. 25, 2014, actions taken or costs incurred at noncommercial sites after that date which were not explicitly directed by the Department under the conditions defined in SL 2015-241 Section 14.16B.(b) will not be reimbursable. All actions at eligible sites, including those previously directed or preapproved prior to, but not completed by, the date of the Sept. 25, 2015 memo, must be re-authorized to ensure compliance with the new law. (For individual actions that were actively being conducted on Sept. 25, 2015 itself, please contact the UST Section for additional guidance.)

The following will describe the typical cleanup and closure activities that may be preapproved for only those noncommercial sites that reported a release to the Department by midnight on Sept. 30, 2015, and the maximum rates eligible for reimbursement from the Noncommercial Fund.

Other activities may be evaluated for preapproval on a case-by-case basis, where shown to be a more cost-effective option than the tasks described below or explicitly necessary based upon the exempted emergency conditions outlined in SL 2015-241.

If there are any questions regarding this Session Law or the Noncommercial Fund Tasks and Rates described below, please contact the UST section at (919) 707-8171, or me directly at (919) 707-8263 and by email at art.barnhardt@ncdenr.gov.

Art Barnhardt
Chief, UST Section
NCDEQ



Task 6.183 Deed Recordation: Any site that is being closed to any other standard than that which would allow for unrestricted use of the property is required to have Notice of Residual Petroleum with land use restrictions (NRP/LUR) prior to being issued a Notice of No Further Action (NFA) by the Department. The template for this notice can be found at the UST Section's website:

<http://portal.ncdenr.org/web/wm/ust/forms> .

Option 1: Reimbursement will be made at the **statewide recording fee of \$26**. It is **not required** for any person other than the property owner file this notice.

Option 2: The UST Section, as resources are available to do so, can file this notice for you at no cost. If the filing of the NRP is part of a pending real estate transaction, you may not use this option.

Task 6.032 Public Notice: Along with Task 6.183, the property owner is required to send certified letters to the county health director (<http://www.ncalhd.org/directors/>) and either the city or county manager, whichever is applicable, as well as the adjacent property owners to the property on which the NRP/LUR is being placed. Reimbursement will be granted at **\$7 per letter** with a receipt from the postal service required at the time of submittal of the claim for reimbursement.

Task 3.399 Monitoring Well Abandonment: In most cases, if you have reported a release and you have had an assessment conducted, you have at least one, two-inch monitoring well (MW) on your property. You have two options:

Option 1.

You can keep this MW so that in the future you can have it sampled, at your expense, in order to prove that the residual contamination has naturally attenuated and then you may make a request to have the NRP/LUR removed from the property by the Department. Any permit fees levied by the county or municipality will be your responsibility. It will also be your responsibility to maintain the integrity of the MW.

Option 2:

You can abandon the MW.

If you decide to abandon the MW, then you have two options to choose from:

Option 1:

You can call a certified well drilling contractor to have the MW(s) abandoned with a maximum reimbursement **not to exceed \$500** including all materials and travel.

Option 2:

You can abandon the MW yourself in accordance with the NC Well Construction Rules 2C found at; <http://www.wakegov.com/water/wells/Documents/State2CRules.pdf> , Page 21, Section 15A NCAC 02C .0113 ABANDONMENT OF WELLS (d). This authority is retained by the land owner or lessee under the exemptions listed in North Carolina General Statute (G.S.) 87-98.4(b)(2).

Task 3.310 Abandonment of Water Supply Well: In some cases, in order to facilitate closure of the petroleum release at your property, it may be necessary for you to abandon your water supply well (WSW). If you decide to abandon the WSW, then you have two options to choose from:

Option 1:

You can call a certified well drilling contractor to have the WSW abandoned with a maximum reimbursement **not to exceed \$600** including all materials and travel.

Option 2:

You can abandon the WSW yourself in accordance with the NC Well Construction Rules 2C found at; <http://www.wakegov.com/water/wells/Documents/State2CRules.pdf> , Page 21, Section 15A NCAC 02C .0113 ABANDONMENT OF WELLS (d). This authority is retained by the land owner or lessee under the exemptions listed in North Carolina General Statute (G.S.) 87-98.4(b)(2).

Task 11.050 Connection to Municipal Water Systems: In some cases, in order to facilitate closure of the petroleum release at your property, it may be necessary for you to connect your home to an existing municipal water system. Reimbursement may be requested for the documented, pre-approved cost of connection, **not to exceed \$600**, and tap fees. Once connection is accomplished, your well should be abandoned as outlined above and those costs may be reimbursed as stated above.