

## 15A NCAC 02L .0406 DISCHARGE OR RELEASE CLASSIFICATIONS

The Department shall classify the risk of each known discharge or release as high, intermediate, or low risk unless the discharge or release has been classified under Rule .0404(a)(3) or (c) of this Section. For purposes of this Section:

- (1) "High risk" means that:
  - (a) a water supply well, including one used for non-drinking purposes, has been contaminated by a release or discharge;
  - (b) a water supply well used for drinking water is located within 1000 feet of the source area of a confirmed discharge or release from a commercial underground storage tank or a noncommercial underground storage tank of 1100 gallons or less in capacity used for storing motor fuel for noncommercial purposes;
  - (c) a water supply well not used for drinking water is located within 250 feet of the source area of a confirmed discharge or release from a commercial underground storage tank or a noncommercial underground storage tank of 1100 gallons or less in capacity used for storing motor fuel for noncommercial purposes;
  - (d) the groundwater within 500 feet of the source area of a confirmed discharge or release from a commercial underground storage tank or a noncommercial underground storage tank of 1100 gallons or less in capacity used for storing motor fuel for noncommercial purposes has the potential for future use in that there is no source of water supply other than the groundwater;
  - (e) a water supply well, including one used for non-drinking purposes, is located within 150 feet of the source area of a confirmed discharge or release from a noncommercial underground storage tank storing heating oil for consumptive use on the premises;
  - (f) the vapors from a discharge or release pose a serious threat of explosion due to accumulation of the vapors in a confined space; or
  - (g) a discharge or release poses an imminent danger to public health, public safety, or the environment.
- (2) "Intermediate risk" means that:
  - (a) surface water is located within 500 feet of the source area of a confirmed discharge or release from a commercial underground storage tank and the maximum groundwater contaminant concentration exceeds the applicable surface water quality standards and criteria found in 15A NCAC 02B .0200 by a factor of 10;
  - (b) in the Coastal Plain physiographic region as designated on a map entitled "Geology of North Carolina" published by the Department in 1985, the source area of a confirmed discharge or release from a commercial underground storage tank is located in an area in which there is recharge to an unconfined or semi-confined deeper aquifer that the Department determines is being used or may be used as a source of drinking water;
  - (c) the source area of a confirmed discharge or release from a commercial underground storage tank is within a designated wellhead protection area, as defined in 42 U.S.C. 300h-7(e);
  - (d) the levels of groundwater contamination associated with a confirmed discharge or release from a commercial underground storage tank for any contaminant except ethylene dibromide, benzene, and alkane and aromatic carbon fraction classes exceed 50 percent of the solubility of the contaminant at 25 degrees Celsius or 1,000 times the groundwater standard or interim standard established in Rule .0202 of this Subchapter, whichever is lower; or
  - (e) the levels of groundwater contamination associated with a confirmed discharge or release from a commercial underground storage tank for ethylene dibromide and benzene exceed 1,000 times the federal drinking water standard set out in 40 CFR 141. 40 CFR 141 is incorporated by reference including subsequent amendments and editions. Copies may be obtained at no cost from the U.S. Government Bookstore's website at <https://www.gpo.gov/fdsys/pkg/CFR-2015-title40-vol23/pdf/CFR-2015-title40-vol23-part141.pdf>. The material is available for inspection at the Department of Environmental Quality, UST Section, 217 West Jones Street, Raleigh, NC 27603.
- (3) "Low risk" means that:

- (a) the risk posed does not fall within the high risk category for any underground storage tank, or within the intermediate risk category for a commercial underground storage tank; or
- (b) based on review of site-specific information, limited assessment, or interim corrective actions, the discharge or release poses no significant risk to human health or the environment.

If the criteria for more than one risk category applies, the discharge or release shall be classified at the highest risk level identified in Rule .0407 of this Section.

*History Note:* Authority G.S. 143-215.2; 143-215.3(a)(1); 143-215.94A; 143-215.94E; 143-215.94T; 143-215.94V; 143B-282; 1995 (Reg. Sess. 1996) c. 648, s. 1; Recodified from 15A NCAC 02L .0115(d); Amended Eff. December 1, 2005; Temporary Amendment Eff. September 29, 2017; Readopted Eff. June 1, 2019.