

15A NCAC 02P .0202 DEFINITIONS

(a) The definitions in 15A NCAC 02N .0203 apply for purposes of this Subchapter, except the definition of "Underground Storage Tank" shall be as defined in Subparagraph (b)(12) of this Rule.

(b) The following terms are defined for use in this Subchapter:

- (1) "Annual operating fee" means the annual fee established in G.S. 143-215.94C that is required to be paid to the Department by the owner or operator of each commercial underground storage tank, as defined in G.S. 143-215.94A, in use on or after January 1, 1989.
- (2) "Commission" means the Environmental Management Commission as organized under Chapter 143B of the General Statutes.
- (3) "Department" means Department of Environmental Quality.
- (4) "Discovered release" means a release that an owner or operator, or its employee or agent, has been made aware of, has been notified of, or has a reasonable basis for knowing has occurred.
- (5) "Landowner" means any record fee owner of real property that contains or contained a commercial underground storage tank of which he or she does not qualify as an owner or operator pursuant to G.S. 143-215.94A.
- (6) "Notice of Residual Petroleum" means the recordation of residual petroleum from underground storage tanks in accordance with G.S. 143B-279.11.
- (7) "Reasonable and necessary expenditures" means expenditures for the assessment and remediation of environmental damage performed in accordance with applicable environmental laws, regulations, and rules that are necessary to determine the extent of contamination, remediate or respond to a release, or compensate third-parties for bodily injury and property damage resulting from the release. The Commission shall consider such expenditures reasonable and necessary to the extent that they are supported by the documentation required by Rule .0404 of this Subchapter, are performed in an efficient manner considering comparable costs for labor, equipment, and materials, and utilize cost-efficient methods.
- (8) "Reasonable Rate Document" means the schedule of costs that the Department has determined to be reasonable and necessary costs for specific tasks pursuant to G.S. 143-215.94E(e5)(3).
- (9) "Tank in operation" means an underground storage tank into which product is added or from which product is removed for purposes other than closure.
- (10) "Tank in use" means an underground storage tank intended for the containment or dispensing of petroleum product.
- (11) "Underground storage tank" means any Commercial Underground Storage Tank as defined in G.S. 143-215.94A.

*History Note: Authority G.S. 143-215.3; 143-215.94A; 143-215.94B; 143-215.94C; 143-215.94E; 143-215.94L; 143-215.94T; 143B-282;
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