



North Carolina Department of Environment and Natural Resources

Pat McCrory
Governor

Donald R. van der Vaart
Secretary

July 8, 2015

To: UST Owners/Operators, Equipment Suppliers, Service Technicians, and Other Interested Parties

Re: **REMANUFACTURED UNDERGROUND STORAGE TANK LEAK DETECTION EQUIPMENT**

It has come to our attention that remanufactured underground storage tank (UST) leak detection equipment (e.g. ATG consoles, tank probes, sump sensors, etc.) is being offered to North Carolina UST owners/operators, service technicians, and equipment suppliers. This letter is to inform you that remanufactured leak detection equipment likely does not meet the requirements listed in federal regulation 40 CFR 280.45(a) (as incorporated by 15A NCAC 2N .0506) and as described in 40 CFR 280.40(a)(3) (as incorporated by 15A NCAC 2N .0501).

To be compliant with NC UST regulations the leak detection equipment's performance must be evaluated by an independent third party testing laboratory in accordance with the US EPA's leak detection evaluation protocol and/or other regulatory performance standards. Upon review of the regulatory requirements, NC DENR has determined that remanufactured leak detection equipment is not compliant for the following reasons:

- 1) Modifications or changes to the equipment or software may produce parameters and data values that are significantly different than the listed third-party evaluation parameters and data values for the original non-remanufactured equipment.
- 2) Since components of this equipment have been replaced during the remanufacturing process with non-original manufacturer components, the original performance claim can no longer be used to document that the equipment will perform as originally designed.

In order for remanufactured leak detection equipment to be compliant for use in North Carolina the remanufacturer would need to obtain a new third party performance claim for every possible component they could replace during the remanufacturing process. As of the date of this letter, no remanufacturer has completed these steps and therefore the equipment is not compliant for use in North Carolina.

It is difficult to identify remanufactured equipment in the field, since not all remanufacturers have a label on the exterior of the equipment to state it has been remanufactured and to confirm components have been replaced typically would require disassembly of the equipment. However, we recommend prior to any installation or repairs to equipment at your facility that you check with your petroleum equipment suppliers, installers and technicians to see if remanufactured parts will be used on your job and that they have the appropriate third party performance certifications from the company that remanufactured the components.

If a facility is discovered to have non-third party certified remanufactured leak detection equipment during an inspection or maintenance activity, then the UST owner/operator must replace the remanufactured equipment with leak detection equipment that meets the third party performance certification requirements listed in federal regulation 40 CFR 280.45(a) (as incorporated by 15A NCAC 2N .0506) and as described in 40 CFR 280.40(a)(3) (as incorporated by 15A NCAC 2N .0501).

If you have any questions concerning this matter, please contact me at (336) 776-9684 or michael.phelps@ncdenr.gov.

Sincerely,

A handwritten signature in black ink that reads "Michael Phelps".

Michael Phelps, Environmental Supervisor
Division of Waste Management, NC DENR