

**NORTH CAROLINA
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
DIVISION OF WASTE MANAGEMENT**



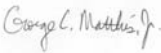
MICHAEL F. EASLEY, GOVERNOR
William G. Ross Jr., SECRETARY
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UNDERGROUND STORAGE TANK SECTION

November 19, 2008

Memorandum

To: Environmental Service Providers and Other Interested Parties

From: George C. Matthis, Jr. 
Head, Trust Fund Branch

Subject: Statute of Limitations on filing Eligibility Applications and Reimbursement Claims

This memorandum is to inform you of several changes regarding the filing of forms currently in use by the Trust Fund Branch of the UST Section. Per the General Assembly of North Carolina Session 2007, House Bill 2498, Section 2, a statute of limitations will apply to the filing of eligibility applications and reimbursement claims.

As of January 1, 2009, an owner, operator or landowner shall request that the Department determine whether any of the costs of assessment and cleanup of a discharge or release from a petroleum underground storage tank are eligible to be paid or reimbursed from either the Commercial Fund or the Noncommercial Fund within one year after completion of any task. An eligibility application must be received within one year after completion of a task. A task is any activity defined by the Reasonable Rate Document. Eligibility applications received more than one year after task completion must be denied.

For tasks that were completed prior to January 1, 2009, an owner, operator, or landowner shall request payment or reimbursement of the cost no later than January 1, 2010. For these tasks, reimbursement claims must be received by January 1, 2010. For tasks completed on and after January 1, 2009, an owner, operator, or landowner shall request payment or reimbursement within 12 months after the later of the date on which the Department determines that the cost is eligible or task is completed. For these tasks, reimbursement claims must be received within one year after the eligibility is determined or within one year of completion of the task, whichever is later. Reimbursement requests received after these deadlines must be denied.

If there are questions regarding this statute of limitations on the filing of forms, please contact me at (919) 733-1332 or e-mail George.Matthis@ncmail.net.

Cc: UST Section Staff

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