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January 9, 2018

MEMORANDUM

TO: Responsible Parties, Environmental Service Providers, and Consultants

FROM: Z. Vance Jackson, UST Section Chief, and *ZVJ*
J. Scott Bullock, UST Section - Corrective Action Branch Head *JSB*

SUBJECT: Change #8 - *Guidelines for Site Checks, Tank Closure, and Initial Response and Abatement for UST Releases* - Definition of "Petroleum Contaminated Soil"

Updates to Pages ix, 32-33, and 112-113 are now available as Change #8 to the UST Section's *Guidelines for Site Checks, Tank Closure, and Initial Response and Abatement for UST Releases* (or *STIRA Guidelines*).

This change results from the formal amendment of Title 15A of the North Carolina Administrative Code (NCAC) Subchapter 02T .1502(4), which defines "Petroleum-Contaminated Soil" or "Soil Containing Petroleum Products".

Previously, any detection at any concentration of any petroleum compound in the laboratory assessment of soil samples or soil characterization testing for a volume of soil would define that volume as 'petroleum-contaminated soil'. This requirement caused considerable burden on the owners and operators of land application facilities where petroleum contaminated soils are treated, without garnering any proportionally-significant benefit to the environment.

Accordingly, the Environmental Management Commission recently adopted amendments to the Title 15A NCAC 02T .1500 rules that include a modification to the definition of 'petroleum-contaminated soil'.

As of January 1, 2018, only those soils that demonstrate detectible concentrations of petroleum compounds in excess of the lesser of the soil-to-groundwater or residential maximum soil contaminant concentrations (MSCCs), as established in Title 15A NCAC 02L .0411, shall be defined as 'petroleum-contaminated soils'.

This will benefit owners and operators of land application facilities. It will also benefit any party conducting an excavation onsite that encounters soils which may have been exposed to a release of petroleum, whether part of a cleanup effort, or routine property development actions.

Segregated overburden, benching, or other marginal excavated soils that, when properly screened, are not indicative of 'petroleum-contaminated soils' as defined in 15A NCAC 02T .1504, and are not hazardous wastes as defined in 15A NCAC 13A, may be re-used as backfill onsite.

Attached are 'Insert' versions of these edited pages to incorporate into your existing copies of Change #7 of the STIRA Guidelines. Modified text has been marked with dashed underlines. Alternatively, a clean copy of Change #8 that includes the following updates, may be printed in full from the link provided at the following address: <http://deq.nc.gov/about/divisions/waste-management/ust/whats-new>

The UST Section welcomes comments and recommendations to better improve our services, and will continue to make any necessary changes to the document, such as those provided here, in future incremental revisions to our practices and the *STIRA Guidelines*, themselves.

Please send all comments to Jared M. Edwards by email at jared.edwards@ncdenr.gov, by phone at (919) 707-8153, or by mail at NCDEQ-DWM - UST Section, 1646 Mail Service Center, Raleigh, NC 27699-1646.

Attachments:

1. Updated Title Page and Version History
2. Modified Text (Dotted Underline) on Pages ix (*Definitions*), and 32-33 (*7.4 - Disposal of Contaminated Soil and Groundwater from Excavations*), and
3. Modified Text (Dotted Underline) on Pages 112-113 (*Appendix E - Disposal of Contaminated Soil and Groundwater*)