

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 1074*

Short Title: Amend Def. Commercial Tank.

(Public)

Sponsors: Representatives Kerr; and Gottovi.

Referred to: Environment.

April 23, 1991

A BILL TO BE ENTITLED

AN ACT TO AMEND THE DEFINITION OF COMMERCIAL UNDERGROUND STORAGE TANK.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143-215.94A(2) reads as rewritten:

"(2) 'Commercial underground storage tank' means any one or combination of tanks (including underground pipes connected thereto) used to contain an accumulation of petroleum products, the volume of which (including the volume of the underground pipes connected thereto) is ten percent (10%) or more beneath the surface of the ground. The term 'commercial underground storage tank' does not include any:

a. Farm or residential underground storage tank of 1,100 gallons or less capacity used for storing motor fuel for noncommercial purposes;

b. Underground storage tank of 1,100 gallons or less capacity used for storing heating oil for consumptive use on the premises where stored;

c. Underground storage tank of more than 1,100 gallon capacity used for storing heating oil for consumptive use on the premises where stored by four or fewer households;

c1. Underground storage tank of more than 1,100 gallon capacity used for storing heating oil for consumptive use on the premises where stored by a church or by a public or private orphanage.

- 1 school, community college or technical institute, college, or
2 university;
3 d. Septic tank;
4 e. Pipeline facility (including gathering lines) regulated under:
5 1. The Natural Gas Pipeline Safety Act of 1968 (49 U.S.C.
6 § 1671 **et seq.**);
7 2. The Hazardous Liquid Pipeline Safety Act of 1979 (49
8 U.S.C. § 2001 **et seq.**); or
9 3. Any intrastate pipeline facility regulated under State
10 laws comparable to the provisions of the Natural Gas
11 Pipeline Safety Act of 1968 or the Hazardous Liquid
12 Pipeline Safety Act of 1979;
13 f. Surface impoundment, pit, pond, or lagoon;
14 g. Stormwater or wastewater collection system;
15 h. Flow-through process tank;
16 i. Liquid trap or associated gathering lines directly related to oil
17 or gas production and gathering operations; or
18 j. Storage tank situated in an underground area (such as a
19 basement, cellar, mineworking, drift, shaft, or tunnel) if the
20 storage tank is situated upon or above the surface of the floor."

21 Sec. 2. This act is effective upon ratification. The definition of "commercial
22 underground storage tank" as amended by this act, as it relates to costs paid for by the
23 Noncommercial Leaking Petroleum Underground Storage Tank Cleanup Fund under the
24 provisions of Part 2A of Article 21A of Chapter 143 of the General Statutes, shall apply
25 to discharges or releases without regard to the date discovered or reported.