15A NCAC 01E .0101 IS PROPOSED FOR READOPTION AS FOLLOWS:

15A NCAC 01E .0101 PURPOSE

The purpose of this Subchapter is to establish procedures and standards under which permits for the construction and operation of oil refining facilities will be issued or denied. The permit decision is based on a full and fair discussion and assessment of effects which the refinery will or may have on the environment.

History Note: Authority G.S. 143-215.101;
Eff. June 16, 1980;
Amended Eff. October 1, 1984;
Readopted Eff.
15A NCAC 01E .0102 IS PROPOSED FOR READAOPTION AS FOLLOWS:

15A NCAC 01E .0102  DEFINITIONS

As used in this Subchapter, unless the context otherwise requires:

(1) "Act" means the Oil Pollution and Hazardous Substances Control Act, Article 21A, Chapter 143, General Statutes.

(2) "Director" means the Director of the Division of Environmental Management.

(3) "Construction" means:
   (a) construction and operation of a new oil refining facility;
   (b) substantial enlargement and operation of an existing oil refining facility; or
   (c) substantial change in the physical separation or chemical reaction process of an existing oil refining facility and operation of such facility.

(3) "Department" means the Department of Environmental Quality.

(4) "Environment" means man's total physical environment including but not limited to wildlife; freshwater, estuarine or marine fisheries; air quality; water quality; and publicly-owned parks, forests, or recreation areas.

(5) "Oil" means oil of any kind or in any form, including petroleum, fuel oil, sludge, oil refuse, oil mixed with wastes other than dredge spoil.

(6) "Oil refining facility" means any facility of any kind and related appurtenances located in, on, or under the surface of any land, or water, including submerged lands, which is used or capable of being used for the purpose of refining oil. The term "related appurtenances" includes pipelines.

(7) "Publicly owned parks, forests, or recreation areas" means lands, including beaches, shorelines, and submerged lands, and waters:
   (a) which are owned or controlled by a governmental body for purposes of conservation of natural resources, public recreation, or general public use; or
   (b) which the public has a right to use for recreation or as a part of the natural environment.

(8) "Secretary" means the Secretary of the Department of Environmental Quality or the Secretary's designee.

(9) "Wildlife" means wild animals and plants.

History Note: Authority G.S. 143-215.77; 143-215.101;
Eff. June 16, 1980;
Amended Eff. July 1, 1988; October 1, 1984;
Readopted Eff.
15A NCAC 01E .0103 IS PROPOSED FOR READOPTION AS FOLLOWS:

15A NCAC 01E .0103 OIL REFINING FACILITY PERMIT REQUIRED

(a) No person shall construct or operate an oil refining facility unless and until such person applies for and obtains an oil refining facility permit under these Rules. However, any person who is operating an oil refining facility on the effective date of these Rules and who applies for an oil refining facility permit within 60 days of the effective date of these Rules, unless that time is extended by the Assistant Secretary pursuant to Rule .0013 of this Subchapter, may continue to operate without a permit until a final agency decision to issue or deny the permit is made and until judicial review, if any, of that decision is completed this Subchapter.

(b) The Secretary shall determine upon request or upon his own initiative whether a proposed enlargement or process change to an existing oil refining facility is substantial. In making that determination, the Secretary shall consider relevant factors including, but not limited to:

1. the number of employees which the enlargement or process change will add to the facility's permanent work force; and
2. the character and volume of the changes which will or may occur in the facility's process, products, by-products, discharges, and emissions; and
3. the change in oil refining capacity which the facility will be designed to handle after its enlargement or process change.

History Note: Authority G.S. 143-215.100; 143-215.101; 143B-10;
Eff. June 16, 1980;
Amended Eff. October 1, 1984;
Readopted Eff.
15A NCAC 01E .0104 IS PROPOSED FOR READOPTION AS FOLLOWS:

15A NCAC 01E .0104   PERMIT APPLICATION REQUIREMENTS

(a) An application for a permit shall be in writing and shall be transmitted to the Director Secretary at the following address:

Director, Division of Environmental Management Secretary’s Office
North Carolina Department of Environment, Health, Environmental Quality and Natural Resources
P.O. Box 276871601 Mail Service Center
Raleigh, North Carolina 27611-27699-1601

(b) An application shall be made by and in the names of all persons who will be owners or operators of a proposed oil refining facility or who are owners or operators of an existing facility.

(c) To apply for an oil refining facility permit, a person or persons shall submit to the Director Secretary an application which shall contain all of the following 46 elements:

(1) A cover sheet which shall not exceed one page and which shall include:
   (A) the title, APPLICATION FOR PERMIT TO CONSTRUCT OR OPERATE AN OIL REFINING FACILITY; and
   (B) a short statement of the activity for which the permit is sought (i.e., construction and operation, operation, enlargement and operation, or process change and operation) and the name and location of the oil refining facility involved; and
   (C) the complete name, address, and telephone number of each applicant; and
   (D) the date of the application; and
   (E) the name, address, and telephone number of the employee or agent of the applicant who can supply further information; and
   (F) an abstract of the assessment of the effects which the construction or operation of the oil refining facility will have on the environment.

(2) A table of contents.

(3) A description of each applicant's interest in the ownership or role in the operation of the oil refining facility.

(4) A description of each applicant's experience in the engineering, design, construction, and operation of oil refining facilities.

(5) A description of any civil or criminal penalty assessment, any criminal conviction, or any prior or pending civil litigation or administrative proceeding relating to environmental activities or related to the applicant's financial condition.

   (A) which arose out of the construction or operation of an oil refining facility by the applicant or by a person holding a substantial interest in the applicant; and
(B) which involves alleged violations by the applicant or interest holder of federal or any state's laws concerning the environment.

(6) A description of each applicant's financial condition.

(7) A description of the proposed or existing oil refining facility, including but not limited to a description of the following aspects of the facility's operation:

(A) kind of refining process;

(B) refining capacity;

(C) kind, character, and volume of raw materials, and the source(s) of their supply;

(D) kind, character, and volume of products;

(E) kind, character, and volume of by-products;

(F) kind, character, and volume of effluent discharges to waters or lands of the State;

(G) kind, character, and volume of emissions to air;

(H) number of persons in the facility's permanent work force; and

(I) cost of construction of the facility.

(8) If construction is involved, a description of the construction process and the applicant's estimate of the timetable for that process.

(9) An electronic copy or two sets of paper copies of the most current reports, drawings, maps, plans, and specifications concerning the location, construction, and operation of the oil refining facility, in such detail as the Assistant Secretary deems necessary to decide to issue or deny the permit.

(10) A description of the transfer of oil to and from the oil refining facility, including but not limited to a statement of the amount and kind of vessel traffic which the facility's operation does or will generate.

(11) An electronic copy or two sets of paper copies of the most current reports, drawings, maps, plans, specifications, and other information concerning the transfer of oil (including oil, including but not limited to vessel characteristics and ownership, vessel navigation to and from the facility, oil loading equipment, and pipelines), in such detail as the Assistant Secretary deems necessary to decide to issue or deny the permit.

(12) Upon request of the Secretary, a listing of the effects environmental or health impacts which interested or affected persons or their representatives have indicated are of substantial concern to them and which the oil refining facility will or may have on the environment.

(A) To prepare such a listing, the applicant shall make diligent efforts:

(1)(A) to inform about the facility those persons whom the facility will or may interest or affect, including those living within one mile of any part of the facility; and

(1)(B) to discover their concerns about the effects of the facility and their suggestions for meeting those concerns.
The applicant may coordinate his efforts in this regard with similar efforts required of him by other statutes or regulations, federal or state, so as to reduce duplication of effort.

(B) In the case of an initial permit application for an oil refining facility which is operating on the effective date of these Rules, this Subparagraph (12) of the application will not be required.

(13) A list of state and federal all federal, state, and local environmental quality permits or approvals related to protection of the environment or environmental resources for which that the applicant has applied or will apply, shall obtain for construction or operation of the oil refining facility, the date on which each application was or is expected to be submitted to the appropriate authority, a copy of each filed application, and the current status a copy of each application or permit or approval showing that it has been issued.

(14) An analysis of the effects which construction or operation of the facility, including but not limited to the transfer of oil to and from the facility, will or may have on the environment.

(A) The applicant shall include in such analysis a description of the environment as it exists at the time the application is filed, including all available data about the site.

(B) The applicant shall address in such analysis the relationship of people with the specified parts of the natural and physical environment. Therefore, if the construction or operation of the oil refining facility, including but not limited to the transfer of oil to and from the facility, will or may have a primary effect on the environment, the applicant shall address the secondary effects on public health, safety, and welfare which will or may result from those primary effects. Those secondary effects shall include but not be limited to social, economic, aesthetic, historic, and cultural effects.

(15) The applicant's proposals for avoiding or minimizing the adverse effects of the construction and operation of the oil refining facility and the transfer of oil to and from the facility on the environment and proposals for enhancing the quality of the environment. The applicant's proposals shall include but not be limited to:

(A) a description of the procedures, methods, means, and equipment, including but not limited to those relating to vessel navigation and design, which the applicant will use to prevent any discharges to the waters or lands of the State; and

(B) a description of the procedures, methods, means, and equipment by which the applicant will detect and report discharges; and

(C) a description of the procedures, methods, means, and equipment which the applicant will use in the containment, removal, and cleaning up of discharges and in the restoration of any lands or waters affected by a discharge; and

(D) a description and copies of any spill prevention and emergency response plans required under federal, State, or local laws and regulations.
(16) A list of the names of the persons who were primarily responsible for preparing the application or any part thereof, together with their qualifications, including but not limited to their expertise, experience, and professional disciplines and licenses. Where possible, the persons who were responsible for a particular analysis shall be identified.

(17) A statement and explanation by the applicant whether the proposed construction or operation of the oil refining facility is subject to Article 1 of G.S. Chapter 113A, the North Carolina Environmental Policy Act, or corresponding rules adopted by the Department of Environmental Quality or the Department of Administration.

(d) In fulfillment or partial fulfillment of any requirement of Paragraph (c) of this Rule, the applicant may adopt an oil refining facility permit application or portion thereof which any applicant has previously filed. The adopted application or portion thereof must meet the standards for an adequate and complete application under these Rules.

(e) The director shall determine the adequacy and completeness of the submitted application.

(f) The applicant shall supply such other information as the director deems necessary to decide to issue or deny the permit according to the schedule provided by the director.

History Note: Authority G.S. 143-215.84; 143-215.101; 143-215.102;
Eff. June 16, 1980;
Amended Eff: March 1, 1990; August 1, 1988; October 1, 1984;
Readopted Eff.
15A NCAC 01E .0105 PERMIT APPLICATION PROCEDURE

(a) Upon receipt of an application for an oil refining facility permit, the director shall determine whether the application contains the necessary parts and whether the content and detail of those parts is sufficient to enable him to decide to issue or deny the permit. If the application is incomplete, the director shall within 30 days of its receipt describe in writing to the applicant how the application is incomplete. The applicant shall, within 60 days, submit such additional information relating to the oil refining facility as the director deems necessary. If the application is complete, the director shall so advise the applicant in writing within 30 days of its receipt.

(b) Within 45 days of receiving notice to the applicant of a complete application, the director in accordance with Rule .0105(a) of this Section, the Secretary shall give notice of the application and of a public hearing to be held pursuant to Rule .0006 .0106 of this Subchapter to all of the following state agencies and other persons:

1. the North Carolina Coastal Resources Commission;
2. the North Carolina Department of Economic and Community Development;
3. the North Carolina Commercial and Sports Fisheries Committee;
4. the North Carolina Department of Natural and Cultural Resources;
5. the North Carolina Environmental Management Commission;
6. the North Carolina Forestry Council;
7. the North Carolina Department of Health and Human Services;
8. the North Carolina Marine Fisheries Commission;
9. the North Carolina Parks and Recreation Council;
10. the North Carolina Department of Transportation;
11. the North Carolina State Ports Authority;
12. the North Carolina Wildlife Resources Commission;
13. the Boards of County Commissioners for the county in which the oil refining facility is located or is proposed to be located and for contiguous counties;
14. the governing body of any incorporated municipality within 50 miles of the oil refining facility;
15. any person whose name is on the mailing list required in Rule .0011 of this Subchapter;
16. any owner of real property which is contiguous to the site of the oil refining facility; and
17. the applicant.

(c) The notice which Paragraph (b) of this Rule requires shall contain the following information:

1. The title "Notice of Application for Oil Refining Facility Permit," and a statement that the purpose of the notice is to obtain information, views, and arguments or comments to assist the director in assessing the effects of the oil refining facility on the environment.

2. The name and address of the applicants and a brief description of the name, character, location, and capacity of the oil refining facility for which the permit is sought.
(3) A summary of the analysis of effects submitted in the application as under Subparagraph (14) of Rule .0104(c) 0004(c) of this Subchapter. Section.

(4) An invitation to persons who may be interested or affected by the facility to present, either in writing or at the public hearing held pursuant to Rule .0006.0106 of this Subchapter, Section, their information, views, and arguments or comments concerning the impacts of the construction and operation of the oil refining facility, including but not limited to the effects of the transfer of oil to and from the facility, on the environment.

(5) A statement that written information, views, and arguments or comments may be submitted to the directorSecretary at a specified address at any time until 30 days after the close of the public hearing on the application.

(6) An announcement of the date, time, and place of the public hearing held pursuant to Rule .0006.0106 of this Subchapter. Section.

(7) A list of the state agencies which may review and comment on the application pursuant to Paragraph (b) of this Rule and the date by which the agencies' comments should be submitted to the directorSecretary, which shall be within 45 days of the date the notice is issued.

(8) The addresses and telephone numbers of two locations, one at the Department's offices in Raleigh and the other at a public location reasonably close to the site or proposed site of the oil refining facility; and addresses on the Department's website at which anyone may review the complete application.

(9) A reference to the particular sections of the North Carolina General Statutes and the North Carolina Administrative Code applicable to the issuance or denial of oil refining facility permits.

(10) A description of the nature of the hearing and the rules which will govern its conduct.

(11) The name, email address, and telephone number of a department official from whom additional information may be obtained.

(12) Any other information provided by the Secretary.

(d) The directorSecretary shall arrange for the publication of the notice in a regularly published newspaper of general circulation:

(1) in the county containing the site of the oil refining facility; and

(2) in contiguous counties; and

(3) in at least three different parts of the State. Publication shall occur at least 30 days before the hearing.

(e) The Secretary shall provide public notice in accordance with the appropriate portions of the DEQ Public Participation Plan.

History Note: Authority G.S. 143-215.101;

Eff. June 16, 1980;

Amended Eff. March 1, 1990; July 1, 1988; October 1, 1984.

Readopted Eff.
15A NCAC 01E .0106 IS PROPOSED FOR READAOPTION AS FOLLOWS:

15A NCAC 01E .0106  PUBLIC HEARING ON PERMIT APPLICATION

(a) The director Secretary shall hold a public hearing at which any person will be given a reasonable opportunity to present information, views, and arguments concerning the contents of the application and the effects of the construction and operation of the oil refining facility, including but not limited to the effects of the transfer of oil to and from the facility on the environment.

(b) The hearing shall be held between 4560 and 6090 days after the date of the notice required by Rule .0005(b) .0105(b) of this Subchapter. If the director Secretary deems it necessary, he the Secretary may arrange for the sending or publication of a second, abbreviated notice shortly before the hearing.

(c) The state agencies listed in Rule .0005(b) .0105(b) of this Subchapter may comment on the effects which construction or operation of an oil refining facility will or may have on the environment and in so doing should address matters within their jurisdiction, authority, or expertise. An agency may reply that it has no comment. Agencies must shall submit any comments within the time period specified for comment in the notice.

(d) The hearing shall be held in the county where the oil refining facility for which the applicant seeks a permit is located or is proposed to be located, unless the director Secretary finds and directs that, for reasons of public convenience, safety, or health, it should be held elsewhere in a different location or through a virtual application.

(e) The hearing shall be informational in nature and shall not be a contested case as defined in G.S. 150A-2(2). The director Secretary shall hold the hearing or appoint a hearing officer to do so. The person holding the hearing has the authority to set reasonable guidelines for the hearing, including but not limited to the length of the hearing and the length of time a person may speak.

(f) The record of the hearing shall be open for written submissions until 30 days after the close of hearing. Any oral or written information, views, and arguments offered at the hearing and any further written information, views, and arguments submitted within 30 days after the close of the hearing shall be made part of the record of the hearing.

(g) Within 30 days after the close of the public comment period, the Secretary may request that the applicant provide any information necessary to respond to public comments. The applicant shall have up to 90 days to submit the requested information.

History Note: Authority G.S. 143-215.101;
Eff. June 16, 1980;
Amended Eff. October 1, 1984;
Readopted Eff.
15A NCAC 01E .0107 IS PROPOSED FOR READOPTION AS FOLLOWS:

15A NCAC 01E .0107  DECISION TO ISSUE OR DENY PERMIT

(a) Within 4560 days of the last day for submitting information, views, and arguments about the permit application, or the last day on which the applicant provides additional information requested by the Secretary to respond to public comments, the director shall issue or deny the oil refining facility permit for the oil refining facility.

(b) In deciding to issue or deny the permit, the director shall consider:

   (1) the permit application and supporting documents such as site sampling, reports, and proposals for minimizing adverse effects on the environment;

   (2) the data, information, views, and arguments which have been submitted during the permit process;

   (3) all facts, information, or analyses of which judicial notice may be taken, the Department becomes aware, including any environmental permits issued by federal, State, or local authorities; and

   (4) other facts, information, or analyses within the specialized knowledge of the Department.

(c) The director shall base his decision on the effects which the construction or operation of the oil refining facility, including the transfer of oil to and from the facility, will or may have on the environment. In evaluating those effects, the director shall consider the relationship of people with the specified parts of the natural and physical environment. This means that, if the Secretary shall base the decision on the effects which the construction or operation of the oil refining facility, including the transfer of oil to and from the facility, will or may have a primary effect on the environment, the director shall consider the secondary effects on public health, safety and welfare, including but not limited to social, economic, aesthetic, historic, and cultural effects, which will or may result from those primary effects.

(d) The director shall deny the permit upon a finding that:

   (1) The construction or operation of the oil refining facility, including but not limited to the transfer of oil to and from the facility, will have substantial adverse effects on wildlife or on freshwater, estuarine, or marine fisheries; or

   (2) The construction or operation of the oil refining facility, including but not limited to the transfer of oil to and from the facility, will violate standards of air or water quality promulgated or administered by the Environmental Management Commission; or

   (3) The construction or operation of the oil refining facility, including but not limited to the transfer of oil to and from the facility, will have a substantial adverse effect on a publicly owned park, forest, or recreation area.

(e) In the absence of a finding described in (d) of this Rule, the director shall issue the permit.

   (1) The director shall impose on any permit he issues the following terms and conditions:
(A) The permit shall not be effective until the applicant has obtained all necessary environmental permits, including without limitation, those permits required by G.S. 143-215.1, entitled "Control of sources of water pollution; permits required," and G.S. 143-215.101, entitled "Control of sources of air pollution; permits required." Articles 21, 21A, and 21B of G.S. Chapter 143, Article 9 of G.S. Chapter 130A, and Articles 4 and 7 of G.S. Chapter 113A. When the necessary water and air pollution control permits have been obtained by the applicant, the directorSecretary upon the applicant's request shall confirm the effective date of the oil refining facility permit.

(B) The applicant, on February 1 of each year following the year in which the applicant's permit became effective, shall submit to the directorSecretary a description of the following aspects of the facility's operation as of that date:

(i) as they are listed in Rule .0004(c)(7) .0104(c)(7) (A), (B), (C), (D), (E), (F), (G), and (H); (H) of this Section; and

(ii) transfer of oil to and from the facility, including but not limited to a statement of the amount and kind of vessel traffic which the facility's operation does or will generate.

 Further, the applicant, in making this annual report, may adopt an oil refining facility permit application or portion thereof which the applicant has previously filed. The filed, if the adopted application or portion thereof must meet the standards for an adequate response to this permit term, provides all of the required information in Subpart (1)(B) of this Paragraph. The applicant shall submit additional information about the facility's operation if the directorSecretary deems it necessary and requests it.

(2)(3) The directorSecretary has the authority to impose any additional terms and conditions on the permit which he deems necessary and appropriate to effectuate the purposes of the Act, including but not limited to terms and conditions requiring the installation of such facilities and the employment of such protective measures and operating procedures as he deems reasonable and necessary to prevent, contain, and remove any discharges to the waters or lands of the State, and to restore, restock, and replenish said waters or lands.

History Note: Authority G.S. 143-215.1; 143-215.101; 143-215.108;
Eff. June 16, 1980;
Amended Eff. October 1, 1984;
Readopted Eff.
15A NCAC 01E .0108 IS PROPOSED FOR READOPTION AS FOLLOWS:

15A NCAC 01E .0108

SUSPENSION: REVOCATION: OR AMENDMENT OF PERMITS

(a) The director Secretary may suspend, revoke, or amend the permittee's oil refining facility permit if:

(1) a permittee violates any provision of the Act, or any rule, regulation, or order made pursuant to Part 4 of the Act, entitled "Oil Refining Facility Permits," or any provision, term, or condition of the permit, or any other environmental permit issued to the facility; or

(2) a permittee intentionally misrepresented or failed to disclose material facts which were required to be included in the application.

(b) The director Secretary may, on a continuing basis, amend the permit under Rules .0105 and .0106 of this Section to impose such terms and conditions thereon as he deems necessary and appropriate to effectuate the purposes of the Act.

(c) G.S. 150B-3, entitled "Special Provisions on Licensing," shall apply to any suspension, revocation, or amendment of a permit.

History Note: Authority G.S. 143-215.101; 150B-3;

Eff. June 16, 1980;

Amended Eff. July 1, 1988; October 1, 1984;

Readopted Eff.
15A NCAC 01E .0109 IS PROPOSED FOR REPEAL THROUGH READOPTION AS FOLLOWS:

15A NCAC 01E .0109 ADMINISTRATIVE HEARINGS: FINAL DECISION BY SECRETARY

(a) Any person aggrieved, as that term is defined by G.S. 150B-2(6), by the director's decision to issue, deny, suspend, revoke, or amend an oil refining facility permit shall have an opportunity for an administrative hearing.

(b) Procedures for such a hearing shall be as set forth in 15A NCAC 1B .0200, "Hearing Procedures for Contested Cases," and Article 3 of Chapter 150B of the General Statutes.

(c) The Secretary shall make the final decision concerning the issuance, denial, suspension, revocation, or amendment of a permit in contested cases.

History Note: Authority G.S. 143-215.101; 150B-23 through 150B-37;
Eff. June 16, 1980;
Amended Eff. July 1, 1988; October 1, 1984;
Repealed Eff.
15A NCAC 01E .0110 IS PROPOSED FOR READOPTION AS FOLLOWS:

15A NCAC 01E .0110  SEVERABILITY

If any provision of this Subchapter or its application to any person or circumstance is held invalid, such invalid provision or application shall not affect the validity of other provisions or applications of this Subchapter; and to this end the provisions of this Subchapter are declared to be severable.

History Note: Authority G.S. 143-215.101;
Eff. June 16, 1980;
Readopted Eff.
15A NCAC 01E .0111 IS PROPOSED FOR READOPTION AS follows:

15A NCAC 01E .0111 MAILING LIST

The Secretary shall establish and maintain a mailing list of all persons desiring to receive any notices required by this Subchapter, and notices required to be given shall be given to all such persons whose names are on this mailing list.

History Note: Authority G.S. 143-215.101;
Eff. June 16, 1980;
Amended Eff. October 1, 1984;
Readopted Eff.
15A NCAC 01E .0112 IS PROPOSED FOR REPEAL THROUGH READOPTION AS FOLLOWS

15A NCAC 01E .0112 FEES

The director may charge a reasonable fee to recover costs incurred in supplying copies of any application or other materials described in this Subchapter.

History Note: Authority G.S. 7A-308(12); 132-6; 143-215.101;
Eff. June 16, 1980;
Amended Eff. October 1, 1984;
Repealed Eff.
15A NCAC 01E .0113 IS PROPOSED FOR READOPTION AS FOLLOWS:

15A NCAC 01E .0113 EXTENSIONS OF TIME PERIODS

The Secretary may extend any of the time periods prescribed by this Subchapter. Such an extension shall not exceed 15 days. The Secretary may issue multiple extensions at the Secretary’s discretion.

History Note: Authority G.S. 143-215.101;
Eff. June 16, 1980;
Amended Eff. October 1, 1984;
Readopted Eff.
15A NCAC 01E .0114 IS PROPOSED FOR READOPTION AS FOLLOWS:

15A NCAC 01E .0114  DELEGATIONS

The Secretary hereby delegates to the Assistant Secretary the authority to issue, deny, suspend, revoke, or amend oil refining facility permits, except that the Secretary retains the authority to make the final agency decision in contested cases as applied by 15A NCAC 1B .0200 - Contested Case Procedures.permits.

History Note: Authority G.S. 143-215.100; 143-215.101; 143B-10; 150B-2(2);
Eff. October 1, 1984;
Readopted Eff.
15A NCAC 01E .0115 IS PROPOSED FOR ADOPTION AS FOLLOWS:

15A NCAC 01E .0115 UNAUTHORIZED DISCHARGES

(a) In addition to any other reporting obligation under State, local, or federal law, the operator of any oil refining facility shall report in writing to the Secretary any unauthorized discharge of oil of 500 gallons or more or other occurrence prohibited by the Act. Such reporting shall occur as soon as practicable, but no later than 24 hours after the owner or operator becomes aware of the discharge or occurrence. The report shall include an estimated volume of the discharge.

(b) In the event of an unauthorized discharge of oil from an oil refining facility, the owner or operator of that oil refining facility shall issue a press release to all print and electronic news media that provide general coverage in the county where the discharge occurred setting out the details of the discharge. The owner or operator shall issue the press release within 24 hours after the owner or operator has determined that a discharge has occurred. The press release shall include an estimated volume of the discharge. The owner or operator shall provide a copy of the press release and a listing of the news media to whom the press release was issued to the Department.

(c) After an unauthorized discharge of oil, the owner or operator shall submit a report to the Secretary describing the actions taken to respond to and contain the release. In the event that a release cannot be contained within 24 hours after the owner or operator becomes aware, the owner or operator shall submit daily reports on the status of the response as directed by the Department until the discharge is contained.

History Note: Authority G.S. 143-215.101;
Adopted Eff.