



NOTICE OF TEXT

[Authority G.S. 150B-21.2(c)]

OAH USE ONLY

VOLUME:

ISSUE:

CHECK APPROPRIATE BOX:

- Notice **with** a scheduled hearing
- Notice without a scheduled hearing
- Republication of text. Complete the following cite for the volume and issue of previous publication, as well as blocks 1 - 4 and 7 - 14. If a hearing is scheduled, complete block 5.
Previous publication of text was published in Volume: Issue:

1. Rule-Making Agency: N.C. Department of Environmental Quality

2. Link to agency website pursuant to G.S. 150B-19.1(c): <https://deq.nc.gov/permits-regulations/rules-regulations/proposed-main/proposed-rules>

3. Proposed Action -- Check the appropriate box(es) and list rule citation(s) beside proposed action:

- ADOPTION: 15A NCAC 01E .0115
- AMENDMENT:
- REPEAL:
- READOPTION **with** substantive changes: 15A NCAC 01E .0101- .0108, .0111, .0113, .0114
- READOPTION **without** substantive changes: 15A NCAC 01E .0110
- REPEAL through READOPTION: 15A NCAC 01E .0109 and .0112

4. Proposed effective date: January 1, 2023

5. Is a public hearing planned? Yes No

If yes: **Public Hearing date:** September 20, 2022
Public Hearing time: 6:30 pm
Public Hearing location: 217 West Jones Street, Green Square Building, Training Room on the 1st floor, Room 1210, Raleigh NC 27603

6. If no public hearing is scheduled, provide instructions on how to demand a public hearing:

7. Explain Reason For Proposed Rule(s): G.S §150B-21.3A requires state agencies to review existing rules every ten years, determine which rules are still necessary, and either readopt or repeal each rule. The rules in 15A NCAC 01E establish the procedures relating to Oil Refining Facility Permits, authorized in N.C. Gen. Stat. §§ 143-215.100–215.102, including the requirements of an oil refining facility permit application, the permit application procedure, the requirements of the public hearing process, the criteria for evaluating an application for an oil refining facility permit, and the requirements for compliance after an oil refining facility permit is issued. These rules fall under the Secretary’s direct authority, delegated to the Assistant Secretary in these rule revisions.

8. Procedure for Subjecting a Proposed Rule to Legislative Review: If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission. If the Rules Review Commission receives written and signed objections in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or email. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 984-236-1850.

Rule(s) is automatically subject to legislative review. Cite statutory reference:

9. The person to whom written comments may be submitted on the proposed rule(s):

Name: Alyssa Wright

Address:

1601 Mail Service Center
Raleigh, NC 27699-1601

Phone (optional):

Fax (optional):

E-Mail (optional): publiccomments@ncdenr.gov, please add “Comment on Oil Refinery Rules” into the subject line

10. Comment Period Ends: October 31, 2022

11. Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.

- State funds affected
- Local funds affected
- Substantial economic impact (≥\$1,000,000)
- Approved by OSBM
- No fiscal note required

12. Rule-making Coordinator: Jennifer Everett

Phone: 919-707-8614

E-Mail: Jennifer.everett@ncdenr.gov

Additional agency contact, if any: Alyssa Wright

Phone: (919) 707-8531

E-mail: alyssa.wright@ncdenr.gov

13. The Agency formally proposed the text of this rule(s) on

Date: Aug 5, 2022

14. Signature of Agency Head* or Rule-making Coordinator:



Typed Name: Jennifer Everett

Title: Rulemaking Coordinator

**If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form.*