

1 **15A NCAC 01E .0101 IS READOPTED AS PUBLISHED IN 37:05 NCR 359 AS FOLLOWS:**

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3 **15A NCAC 01E .0101 PURPOSE**

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

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

9 *Eff. June 16, 1980;*

10 *Amended Eff. October 1, 1984;*

11 *Readopted Eff. April 1, 2023.*

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1 **15A NCAC 01E .0102 IS READOPTED AS PUBLISHED IN 37:05 NCR 359 WITH CHANGES AS**
2 **FOLLOWS:**

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4 **15A NCAC 01E .0102 DEFINITIONS**

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

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

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

9 ~~(3)~~(2) "Construction" means:

10 (a) construction and operation of a new oil refining facility;

11 (b) substantial enlargement and operation of an existing oil refining facility; or

12 (c) substantial change in the physical separation or chemical reaction process of an existing
13 oil refining facility and operation of such facility.

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

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

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

20 ~~(5)~~~~(6)~~(4) "Oil refining facility" means any facility of any kind and related appurtenances located in, on,
21 or under the surface of any land, or water, including submerged lands, which is used or capable of
22 being used for the purpose of refining oil. The term "related appurtenances" includes pipelines.

23 ~~(6)~~~~(6)~~(5) "Publicly owned parks, forests, or recreation areas" means lands, including beaches, shorelines,
24 and submerged lands, and waters:

25 (a) ~~which that~~ are owned or controlled by a governmental body for purposes of conservation
26 of natural resources, public recreation, or general public use; or

27 (b) ~~which that~~ the public has a right to use for recreation or as a part of the natural environment.

28 ~~(8)~~(6) "Secretary" means the Secretary of the Department of Environmental Quality. ~~[Quality or the~~
29 ~~Secretary's designee.]~~

30 ~~(7)~~~~(9)~~(7) "Wildlife" means wild animals and plants.

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32 *History Note: Authority G.S. 143-215.77; 143-215.101;*

33 *Eff. June 16, 1980;*

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

35 *Readopted Eff. April 1, 2023.*

1 **15A NCAC 01E .0103 IS READOPTED AS PUBLISHED IN 37:05 NCR 359 WITH CHANGES AS**
2 **FOLLOWS:**

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4 **15A NCAC 01E .0103 OIL REFINING FACILITY PERMIT REQUIRED**

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

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

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

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21 *History Note: Authority G.S. 143-215.100; 143-215.101; 143B-10;*
22 *Eff. June 16, 1980;*
23 *Amended Eff. October 1, 1984;*
24 *Readopted Eff. April 1, 2023.*
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1 **15A NCAC 01E .0104 IS READOPTED AS PUBLISHED IN 37:05 NCR 359 WITH CHANGES AS**
2 **FOLLOWS:**

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4 **15A NCAC 01E .0104 PERMIT APPLICATION REQUIREMENTS**

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

7 ~~Director, Division of Environmental Management~~Secretary's Office
8 North Carolina Department of ~~Environment, Health,~~Environmental Quality
9 ~~and Natural Resources~~
10 ~~P.O. Box 27687~~1601 Mail Service Center
11 Raleigh, North Carolina ~~27611~~27699-1601

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

14 (c) To apply for an oil refining facility permit, a person or persons shall submit to the ~~director~~Secretary an application
15 which shall ~~contain all of the following 16 elements:~~ contain:

- 16 (1) ~~A a~~ A a cover sheet, ~~sheet which~~ sheet shall not exceed one page and ~~which~~ shall include:
- 17 (A) the title, APPLICATION FOR PERMIT TO CONSTRUCT OR OPERATE AN OIL
18 REFINING FACILITY; ~~and~~
 - 19 (B) a short statement of the activity for which the permit is sought (~~i.e., construction and~~
20 ~~operation, operation, enlargement and operation, or process change and operation~~) and the
21 name and location of the oil refining facility involved; ~~and~~
 - 22 (C) the complete name, address, and telephone number of each applicant; ~~and~~
 - 23 (D) the date of the application; ~~and~~
 - 24 (E) the name, address, and telephone number of the employee or agent of the applicant who
25 can supply further information; and
 - 26 (F) an abstract of the assessment of the effects which the construction or operation of the oil
27 refining facility will have on the ~~environment.~~ environment:
- 28 (2) ~~A a~~ A a table of ~~eontents,~~ contents:
- 29 (3) ~~A description of each applicant's interest in the ownership or role in the operation of the oil refining~~
30 ~~facility.~~ facility.
- 31 (4) ~~A description of each applicant's experience in the engineering, design, construction, and operation~~
32 ~~of oil refining facilities.~~ of oil refining facilities.
- 33 (5) ~~A description of any civil or criminal penalty assessment, any criminal conviction, or any prior or~~
34 ~~pending civil litigation or administrative proceeding relating to environmental activities or related~~
35 ~~to the~~ to the ~~[each]~~ [each] applicant's financial condition:
- 36 (A) ~~which arose out of the construction or operation of an oil refining facility by the applicant~~
37 ~~or by a person holding a substantial interest in the applicant; and~~

1 (B) — which involves alleged violations by the applicant or interest holder of federal or any state's
2 laws concerning the environment.

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

4 (7)(3) A a description of the proposed or existing oil refining facility, including but not limited to a
5 description of the following aspects of the facility's operation:

6 (A) kind of refining process;

7 (B) refining capacity;

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

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

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

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

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

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

14 (I) cost of construction of the facility. facility;

15 (8)(4) If if construction is involved, a description of the construction process and the applicant's estimate
16 of the timetable for that process. process;

17 (9)(5) Two [An]an electronic copy or two sets of paper copies of the most current reports, drawings, maps,
18 plans, and specifications concerningdescribing the location, construction, and operation of the oil
19 refining facility. facility, in such detail as the Assistant Secretary deems necessary to decide to
20 issue or deny the permit. facility;

21 (10)(6) A a description of the transfer of oil to and from the oil refining facility, includingbut not limited
22 to a statement of the amount and kind of vessel traffic which the facility's operation does or will
23 generate. generate;

24 (11)(7) Two [An]an electronic copy or two sets of paper copies of the most current reports, drawings, maps,
25 plans, specifications, and other information concerningdescribing the transfer of oil (includingoil,
26 including but not limited to vessel characteristics and ownership, vessel navigation to and from the
27 facility, oil loading equipment, and pipelines)pipelines, in such detail as the Assistant Secretary
28 deems necessary to decide to issue or deny the permit. permit;

29 (12)(8) A [Upon]upon request of the Secretary, a listing of the effectsenvironmental or health impacts which
30 interested or affected persons or their representatives have indicated are of substantial concern to
31 them and which the oil refining facility will or may have on the environment,them.

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

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

36 (ii)(B) to discover ascertain the nature of their concerns about the effects of the facility
37 and their suggestions for meeting those concerns.

1 The applicant may coordinate his efforts in this regard with similar efforts required of him by other
2 statutes or regulations, federal or state, so as to reduce duplication of effort. effort;

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

6 (13)(9) A a list of state and federal all federal, state, and local environmental quality permits or approvals
7 related to protection of the environment or environmental resources for which that the applicant has
8 applied or will apply, shall obtain for construction or operation of the oil refining facility, the date
9 on which each application was or is expected to be submitted to the appropriate authority, submitted,
10 a copy of each filed application, and the current status a copy of each application or permit permit
11 or approval showing that it has been [issued.] issued;

12 (14)(10) An an analysis of the effects which that construction or operation of the facility, including but not
13 limited to the transfer of oil to and from the facility; facility, will or may have on the environment.
14 environment;

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

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

24 (15)(11) The the applicant's proposals for avoiding or minimizing the adverse effects of the construction and
25 operation of the oil refining facility and the transfer of oil to and from the facility on the environment
26 and proposals for enhancing the quality of the environment. The applicant's proposals shall include
27 but not be limited to: include:

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

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

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

36 (D) a description and copies of any spill prevention and emergency response plans required
37 under federal, State, or local laws and [regulations.] regulations;

1 ~~(16)~~(12) A a list of the names of the persons who were primarily responsible for preparing the application or
2 any part thereof, together with their qualifications, including ~~but not limited to~~ their expertise,
3 experience, ~~and professional disciplines.~~ disciplines, disciplines, and licenses. ~~Where possible,~~ the
4 persons who were responsible for a particular analysis shall be ~~identified.~~ identified.

5 ~~(17)~~(13) A a statement and explanation by the applicant whether the proposed construction or operation of
6 the oil refining facility is subject to Article 1 of G.S. Chapter 113A, the North Carolina
7 Environmental Policy Act, ~~[or corresponding rules adopted by the Department of Environmental~~
8 ~~Quality or the Department of Administration.]~~

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

12 ~~(e)~~(d) The ~~director~~Secretary shall determine the adequacy and completeness of the submitted application, application
13 based on compliance with the requirements in Paragraph (c) and Paragraph (e) of this Rule.

14 ~~(f)~~(e) The applicant shall supply such other information as the ~~director~~Secretary deems necessary to impose
15 appropriate terms and conditions in the permit and to determine appropriate protective measures to prevent oil
16 discharges to the lands and waters of the State to decide to issue or deny the permit. ~~[permit]~~ according to the schedule
17 provided by the Secretary.

18
19 *History Note:* Authority G.S. ~~143-215.84;~~ 143-215.101; ~~143-215.102;~~
20 *Eff. June 16, 1980;*
21 *Amended Eff. March 1, 1990; August 1, 1988; October 1, 1984;*
22 *Readopted Eff. April 1, 2023.*
23
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1 **15A NCAC 01E .0105 IS READOPTED AS PUBLISHED IN 37:05 NCR 359 WITH CHANGES AS**
2 **FOLLOWS:**

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4 **15A NCAC 01E .0105 PERMIT APPLICATION PROCEDURE**

5 (a) ~~Upon receipt of an application for an oil refining facility permit, the director~~[Secretary] ~~shall determine whether~~
6 ~~the application contains the necessary parts and whether the content and detail of those parts is sufficient to enable~~
7 ~~him to decide to issue or deny the permit.~~ If ~~the Secretary determines~~ the application is incomplete ~~under Rule .0104(d)~~
8 ~~of this Section,~~ the ~~director~~Secretary shall within ~~3060~~ days of its receipt describe in writing to the applicant how the
9 application is incomplete. The applicant ~~shall~~shall, within 60 days, submit such additional information relating to the
10 oil refining facility ~~as the director~~[Secretary] ~~deems necessary for the application to be complete.~~ If the application is
11 complete, the ~~director~~Secretary shall so advise the applicant in writing within ~~3060~~ days of its receipt.

12 (b) Within ~~4530~~ days of ~~receiving~~giving notice to the applicant of a ~~complete~~completed application, ~~the director~~in
13 ~~accordance with [Rule .0105(a)]~~Paragraph (a) of this ~~[Section,]~~Rule, the Secretary shall give notice of the application
14 and of a public hearing to be held pursuant to Rule ~~.0006.0106~~ of this Subchapter to all of the following state agencies
15 and other persons:

- 16 (1) the North Carolina Coastal Resources Commission;
- 17 (2) the North Carolina Department of ~~Economic and Community Development;~~Commerce;
- 18 ~~(3) the North Carolina Commercial and Sports Fisheries Committee;~~
- 19 ~~(4)~~(3) the North Carolina Department of Natural and Cultural Resources;
- 20 ~~(5)~~(4) the North Carolina Environmental Management Commission;
- 21 ~~(6)~~(5) the North Carolina ~~Forestry Council;~~Forest Service;
- 22 ~~(7)~~(6) the North Carolina Department of Health and Human Resources;Services;
- 23 ~~(8)~~(7) the North Carolina Marine Fisheries Commission;
- 24 ~~(9) the North Carolina Parks and Recreation Council;~~
- 25 ~~(10)~~(8) the North Carolina Department of Transportation;
- 26 ~~(11)~~(9) the North Carolina State Ports Authority;
- 27 ~~(12)~~(10) the North Carolina Wildlife Resources Commission;
- 28 ~~(13)~~(11) the Boards of County Commissioners for the county in which the oil refining facility is located or
29 is proposed to be located and for contiguous counties;
- 30 ~~(14)~~(12) the governing body of any incorporated municipality within 50 miles of the oil refining facility;
- 31 ~~(15)~~(13) any person whose name is on the mailing list required in Rule ~~.0011.0111~~ of this ~~Subchapter;~~
32 Section;
- 33 ~~(16)~~(14) any owner of real property which is contiguous to the site of the oil refining facility; and
- 34 ~~(17)~~(15) the applicant.

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

- 1 (1) The title "Notice of Application for Oil Refining Facility Permit," and a statement that the purpose
2 of the notice is to obtain ~~information, views, and arguments~~information or comments to assist the
3 ~~director~~Secretary in assessing the effects of the oil refining facility on the environment.
- 4 (2) The name and address of the applicants and a brief description of the name, character, location, and
5 capacity of the oil refining facility for which the permit is sought.
- 6 (3) A summary of the analysis of effects submitted in the application ~~as under Subparagraph (14) of~~
7 ~~Rule .0104(c) 0004(e) of this Subchapter. Section.~~
- 8 (4) An invitation to persons who may be interested or affected by the facility to present, either in writing
9 or at the public hearing held pursuant to Rule ~~.0006.0106~~ of this ~~Subchapter. Section.~~ their
10 ~~information, views, and arguments~~information or comments concerning the impacts of the
11 construction and operation of the oil refining facility, including ~~but not limited to~~ the effects of the
12 transfer of oil to and from the facility, on the environment.
- 13 (5) A statement that written ~~information, views, and arguments~~information or comments may be
14 submitted to the ~~director~~Secretary at a specified address at any time until 30 days after the close of
15 the public hearing on the application.
- 16 (6) An announcement of the date, time, and place of the public hearing held pursuant to Rule ~~.0006.0106~~
17 of this ~~Subchapter. Section.~~
- 18 (7) A list of the state agencies ~~which that~~ may review and comment on the ~~application~~application
19 pursuant to Paragraph (b) of this Rule and the date by which the agencies' comments ~~should~~ shall
20 be submitted to the ~~director~~Secretary, which shall be within 45 days of the date the notice is issued.
- 21 (8) The ~~addresses and telephone numbers of two locations, one at the Department's offices in Raleigh~~
22 ~~and the other at a public location reasonably close to the site or proposed site of the oil refining~~
23 ~~facility~~address on the Department's website at which anyone may review the complete application.
- 24 (9) A reference to the particular sections of the North Carolina General Statutes and the North Carolina
25 Administrative Code applicable to the issuance or denial of oil refining facility permits.
- 26 (10) A description of the nature of the hearing and the rules ~~which will~~ that shall govern its conduct.
- 27 (11) The name, email address, and telephone number of a department official from whom additional
28 information may be obtained.

29 ~~[(12) Any other information provided by the Secretary.]~~

30 (d) The ~~director~~Secretary shall arrange for the publication of the notice in a regularly published newspaper of general
31 circulation:

- 32 (1) in the county containing the site of the oil refining facility; and
- 33 (2) in contiguous ~~counties; and~~counties.
- 34 ~~(3) in at least three different parts of the State. Publication shall occur at least 30 days before the~~
35 ~~hearing.~~

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

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History Note: Authority G.S. 143-215.101;
Eff. June 16, 1980;
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Readopted Eff. April 1, 2023.

1 **15A NCAC 01E .0106 IS READOPTED AS PUBLISHED IN 37:05 NCR 359 WITH CHANGES AS**
2 **FOLLOWS:**

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4 **15A NCAC 01E .0106 PUBLIC HEARING ON PERMIT APPLICATION**

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

9 (b) The hearing shall be held between ~~4560~~ and ~~6090~~ days after the date of the notice required by Rule
10 ~~.0005(b)~~.0105(b) of this ~~Subchapter~~ Section. ~~If the director~~Secretary] ~~deems it necessary, he~~[the Secretary] may
11 arrange for the sending or publication of a second, abbreviated notice shortly before the hearing.

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

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

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

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

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

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31 *History Note: Authority G.S. 143-215.100; 143-215.101;*
32 *Eff. June 16, 1980;*
33 *Amended Eff. October 1, 1984;*
34 *Readopted Eff. April 1, 2023.*
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1 **15A NCAC 01E .0107 IS READOPTED AS PUBLISHED IN 37:05 NCR 359 WITH CHANGES AS**
2 **FOLLOWS:**

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4 **15A NCAC 01E .0107 DECISION TO ISSUE OR DENY PERMIT**

5 (a) Within ~~45~~60 days of the last day for submitting ~~information, views, and arguments~~ public comments about the
6 permit application, or the last day on which the applicant provides additional information requested by the Secretary
7 to respond to public comments, the ~~director~~Secretary shall issue or deny the ~~oil refining facility permit~~ permit for the
8 oil refining facility.

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

- 10 (1) the permit ~~application~~ application; ~~[and supporting relevant documents; documents such as site~~
11 ~~sampling, reports, and proposals for minimizing adverse effects on the environment.]~~
- 12 (2) the data, ~~information, views, and arguments~~ comments which have been submitted during the permit
13 process; and
- 14 (3) ~~[all facts, information, or analyses of which judicial notice may be taken; the Department~~
15 ~~becomes aware, including any environmental permits issued by federal, State, or local authorities;~~
16 ~~and]~~
- 17 (4)(3) other ~~facts~~ facts, information, or analyses within the specialized knowledge of the Department.

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

26 ~~(d)~~(c) The ~~director~~Secretary shall deny the permit upon a finding that:

- 27 (1) The construction or operation of the oil refining facility, including ~~but not limited to~~ the transfer of
28 oil to and from the facility, will have substantial adverse effects on wildlife or on freshwater,
29 estuarine, or marine fisheries; or
- 30 (2) The construction or operation of the oil refining facility, including ~~but not limited to~~ the transfer of
31 oil to and from the facility, will violate standards of air or water quality promulgated or administered
32 by the Environmental Management Commission; or
- 33 (3) The construction or operation of the oil refining facility, including ~~but not limited to~~ the transfer of
34 oil to and from the facility, will have a substantial adverse effect on a publicly owned park, forest,
35 or recreation area.

36 ~~(e)~~(d) In the absence of a finding described in ~~(d)~~ Paragraph (c) of this Rule, the ~~director~~Secretary shall issue the
37 permit.

1 (1) The ~~director~~Secretary shall impose on any permit he issues the following terms and conditions:

2 (A) The permit shall not be effective until the applicant has obtained ~~the~~all necessary
3 environmental permits, including without limitation, those permits required by G.S.
4 143-215.1, entitled "Control of sources of water pollution; permits required," and G.S.
5 143-215.108, entitled "Control of sources of air pollution; permits required."Articles 21,
6 21A, and 21B of G.S. Chapter 143, Article 9 of G.S. Chapter 130A, and Articles 4 and 7
7 of G.S. Chapter 113A. When the necessary ~~water and air pollution control~~ permits have
8 been obtained by the applicant, the ~~director~~Secretary upon the applicant's request shall
9 confirm the effective date of the oil refining facility permit.

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

- 13 (i) as they are listed in Rule ~~.0004(e)(7), .0104(e)(7), .0104(c)(3)~~(A), (B), (C), (D), (E),
14 (F), (G), and ~~(H)~~; (H) of this Section; and
15 (ii) transfer of oil to and from the facility, including ~~but not limited to~~ a statement of
16 the amount and kind of vessel traffic which the facility's operation does or will
17 generate.

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

24 ~~{(2)(3) — The directorSecretary has the authority to impose any additional terms and conditions on the permit~~
25 ~~which he deems necessary and appropriate to effectuate the purposes of the Act, including but not~~
26 ~~limited to terms and conditions requiring the installation of such facilities and the employment of~~
27 ~~such protective measures and operating procedures as he deemsdeemed reasonable and necessary~~
28 ~~to prevent, contain, and remove any discharges to the waters or lands of the State, and to restore,~~
29 ~~restock, and replenish said waters or lands.}]~~

30
31 *History Note:* Authority G.S. 143-215.1; 143-215.101; 143-215.108;
32 Eff. June 16, 1980;
33 Amended Eff. October 1, 1984;
34 Readopted Eff. April 1, 2023.
35
36

1 **15A NCAC 01E .0108 WAS READOPTED AS PUBLISHED IN 37:05 NCR 359 BUT IS NOW REPEALED**
2 **AS FOLLOWS:**

3

4 **15A NCAC 01E .0108 SUSPENSION: REVOCATION: OR AMENDMENT OF PERMITS**

5

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

7

Eff. June 16, 1980;

8

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

9

Repealed Eff. April 1, 2023.

10

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1 **15A NCAC 01E .0109 IS REPEALED THROUGH READOPTION AS PUBLISHED IN 37:05 NCR 359 AS**
2 **FOLLOWS:**

3

4 **15A NCAC 01E .0109 ADMINISTRATIVE HEARINGS: FINAL DECISION BY SECRETARY**

5

6 *History Note: Authority G.S. 143-215.101; 150B-23 through 150B-37;*

7

Eff. June 16, 1980;

8

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

9

Repealed Eff. February 1, 2023.

10

11

1 **15A NCAC 01E .0110 WAS READOPTED AS PUBLISHED IN 37:05 NCR 359 BUT IS NOW REPEALED**
2 **AS FOLLOWS:**

3

4 **15A NCAC 01E .0110 SEVERABILITY**

5

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

7

Eff. June 16, 1980;

8

Repealed Eff. April 1, 2023.

9

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11

1 **15A NCAC 01E .0111 WAS READOPTED AS PUBLISHED IN 37:05 NCR 359 BUT IS NOW REPEALED**
2 **AS FOLLOWS:**

3

4 **15A NCAC 01E .0111 MAILING LIST**

5

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

7 *Eff. June 16, 1980;*

8 *Amended Eff. October 1, 1984;*

9 *Repealed Eff. April 1, 2023.*

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1 **15A NCAC 01E .0112 IS REPEALED THROUGH READOPTION AS PUBLISHED IN 37:05 NCR 359 AS**
2 **FOLLOWS**

3

4 **15A NCAC 01E .0112 FEES**

5

6 *History Note: Authority G.S. 7A-308(12); 132-6; 143-215.101;*

7

Eff. June 16, 1980;

8

Amended Eff. October 1, 1984;

9

Repealed Eff. February 1, 2023.

10

11

1 **15A NCAC 01E .0113 IS READOPTED AS PUBLISHED IN 37:05 NCR 359 WITH CHANGES AS**
2 **FOLLOWS:**

3

4 **15A NCAC 01E .0113 EXTENSIONS OF TIME PERIODS**

5 The ~~director~~Secretary may extend any of the time periods prescribed by this Subchapter. Such an extension shall not
6 exceed 15 days. [~~The Secretary may issue multiple extensions at the Secretary's discretion.~~]

7

8 *History Note: Authority G.S. 143-215.100; 143-215.101;*

9

Eff. June 16, 1980;

10

Amended Eff. October 1, 1984;

11

Readopted Eff. April 1, 2023.

12

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14

1 **15A NCAC 01E .0114 WAS READOPTED AS PUBLISHED IN 37:05 NCR 359 BUT IS NOW REPEALED**
2 **AS FOLLOWS:**

3

4 **15A NCAC 01E .0114 DELEGATIONS**

5

6 *History Note: Authority G.S. 143-215.100; 143-215.101; 143B-10; 150B-2(2);*

7 *Eff. October 1, 1984;*

8 *Repealed Eff. April 1, 2023.*

9

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11

1 **15A NCAC 01E .0115 IS ADOPTED AS PUBLISHED IN 37:05 NCR 359 WITH CHANGES AS FOLLOWS:**

2
3 **15A NCAC 01E .0115 UNAUTHORIZED DISCHARGES**

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

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

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

19
20 *History Note: Authority G.S. 143-215.101;*

21 *Adopted Eff. April 1, 2023.*