

15A NCAC 01E .0105 PERMIT APPLICATION PROCEDURE

(a) If the Secretary determines the application is incomplete under Rule .0104(d) of this Section, the Secretary shall within 60 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 for the application to be complete. If the application is complete, the Secretary shall so advise the applicant in writing within 60 days of its receipt.

(b) Within 30 days of giving notice to the applicant of a completed application, in accordance with Paragraph (a) of this Rule, the Secretary shall give notice of the application and of a public hearing to be held pursuant to Rule .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 Commerce;
- (3) the North Carolina Department of Natural and Cultural Resources;
- (4) the North Carolina Environmental Management Commission;
- (5) the North Carolina Forest Service;
- (6) the North Carolina Department of Health and Human Services;
- (7) the North Carolina Marine Fisheries Commission;
- (8) the North Carolina Department of Transportation;
- (9) the North Carolina State Ports Authority;
- (10) the North Carolina Wildlife Resources Commission;
- (11) 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;
- (12) the governing body of any incorporated municipality within 50 miles of the oil refining facility;
- (13) any person whose name is on the mailing list required in Rule .0111 of this Section;
- (14) any owner of real property which is contiguous to the site of the oil refining facility; and
- (15) the applicant.

(c) The notice 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 or comments to assist the Secretary 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 under Rule .0104(c) of this 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 .0106 of this Section, their information or comments concerning the impacts of the construction and operation of the oil refining facility, including the effects of the transfer of oil to and from the facility, on the environment.
- (5) A statement that written information or comments may be submitted to the Secretary 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 .0106 of this Section.
- (7) A list of the state agencies that may review and comment on the application pursuant to Paragraph (b) of this Rule and the date by which the agencies' comments shall be submitted to the Secretary, which shall be within 45 days of the date the notice is issued.
- (8) The address 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 that shall govern its conduct.
- (11) The name, email address, and telephone number of a department official from whom additional information may be obtained.

(d) The Secretary 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.

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. April 1, 2023.