

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

- (a) The Secretary shall hold a public hearing at which any person will be given a reasonable opportunity to present information or comments concerning the contents of the application and the effects 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.
- (b) The hearing shall be held between 60 and 90 days after the date of the notice required by Rule .0105(b) of this Section. 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 .0105(b) of this Section may comment on the effects that 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 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 Secretary finds and directs that, for reasons of public convenience, safety, or health, it should be held 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. 150B-2. The 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 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 or comments offered at the hearing and any further written information or comments submitted within 30 days after the close of the hearing shall be made part of the record of the hearing.

History Note: Authority G.S. 143-215.100; 143-215.101;
Eff. June 16, 1980;
Amended Eff. October 1, 1984;
Readopted Eff. April 1, 2023.