

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

(a) Within 60 days of the last day for submitting public comments 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 Secretary shall issue or deny the permit for the oil refining facility.

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

- (1) the permit application;
- (2) the data, information, and comments which have been submitted during the permit process; and
- (3) other facts, information, or analyses within the specialized knowledge of the Department.

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 on the environment.

(c) The Secretary shall deny the permit upon a finding that:

- (1) The construction or operation of the oil refining facility, including the transfer of oil to and from the facility, will have substantial adverse effects on wildlife or on freshwater, estuarine, or marine fisheries;
- (2) The construction or operation of the oil refining facility, including 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 the transfer of oil to and from the facility, will have a substantial adverse effect on a publicly owned park, forest, or recreation area.

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

(1) The Secretary 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 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 permits have been obtained by the applicant, the Secretary 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 Secretary a description of the following aspects of the facility's operation as of that date:
 - (i) as they are listed in Rule .0104(c)(3)(A), (B), (C), (D), (E), (F), (G), and (H) of this Section; and
 - (ii) transfer of oil to and from the facility, including a statement of the amount and kind of vessel traffic which the facility's operation does or will generate.

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