

15A NCAC 05H .2005 SPILLS AND RELEASES

(a) Chemical spills and releases shall be reported in accordance with applicable state and federal requirements, including the Emergency Planning and Community Right-to-Know Act set forth in 40 CFR 350-372, the Comprehensive Environmental Response, Compensation, and Liability Act set forth in 40 CFR 300 and 302, the Resource Conservation and Recovery Act set forth in 40 CFR 239-282, the Clean Water Act set forth in 40 CFR 100-149, G.S. 143-215.75 through 215.104U, 15A NCAC 02B, and 02L, as applicable, which are incorporated by reference, including subsequent amendments and editions.

(b) Spills and releases of E & P waste shall be controlled and contained upon discovery to protect public health, welfare, and the environment.

(c) The permittee shall be responsible for controlling, containing, and remediating any spill or release.

(d) The Department may require any cleanup activities it determines to be necessary to protect public health, welfare, and the environment based on the type, size, and extent of the spill or release.

(e) Spills and releases shall be reported by the permittee as follows:

- (1) spills and releases of any E & P waste that exceed a volume of one barrel per incident, including those contained within lined or unlined berms, including containment systems, shall be reported on Form 26 – Spill and Release Report in accordance with Paragraph (f) of this Rule;
- (2) spills and releases that exceed a volume of five barrels per incident of any E & P waste shall be reported by telephone or email to the Director in accordance with Rule .0201 of this Subchapter as soon as practicable, but no more than 24 hours after discovery;
- (3) spills and releases of any size that impact, or threaten to impact, any waters of the State, high occupancy buildings or occupied dwellings, livestock or public roads shall be reported by telephone or email to the Director in accordance with Rule .0201 of this Subchapter as soon as practicable, but no more than 24 hours after discovery; and
- (4) spills and releases of any size that impact, or threaten to impact, any surface water, water supply area, or water supply intake shall be reported to the Department in accordance with Rule .0201 of this Subchapter and the appropriate local emergency management coordinator in accordance with Rule .1305 of this Subchapter. These spills and releases shall be reported by phone to the local emergency management coordinator, Department, and water supply facility within two hours of the discovery. This initial notification to the local emergency management coordinator, Department, and water supply facility shall include a description of actions to be taken to mitigate the spill and release.

(f) For all reportable spills, the permittee shall submit Form 26 – Spill and Release Report, to the Department in accordance with Rule .0201 of this Subchapter no more than five days after discovery. The form shall include the following:

- (1) the permittee's name, address, telephone number, fax number, and email address;
- (2) the county and nearest city or town where the oil or gas well is located;
- (3) the property street address, or nearest address to the ingress and egress point leading from a public road to the well pad;
- (4) the API number, the lease name, and the oil or gas well name and number;
- (5) an 8 1/2 by 11 inch topographic map showing the location of the spill;
- (6) color photographs of the affected area;
- (7) a description of the initial mitigation, site investigation, and any additional remediation proposed by the permittee; and
- (8) additional information or remediation based on the type, size, and extent of the spill or release as required by the Department.

(g) The permittee shall determine the cause of all spills and releases, and shall implement measures to prevent spills and releases due to similar causes in the future.

(h) The permittee shall notify the local emergency management coordinator and State Emergency Operations Center of reportable spills and releases pursuant to the requirements in this Rule, as soon as practicable, but not more than 24 hours after discovery.

(i) The Department shall require the permittee to submit a Form 27 – Site Investigation and Remediation Work Plan when there is a threat of or actual significant impacts on public health, welfare, and the environment from a spill or release exist, or when necessary to ensure compliance with 15A NCAC 02B and 02L. The Form 27 – Site Investigation and Remediation Work Plan shall include the following information:

- (1) the permittee's name, address, telephone number, fax number, and email address;
- (2) the county and nearest city or town where the oil or gas well is located;

- (3) the property street address, or nearest address to the ingress and egress point leading from a public road to the well pad;
- (4) the API number, the lease name, and the oil or gas well name and number;
- (5) a description of the impact to soils, vegetation, groundwater, or surface water;
- (6) a description of initial actions taken to remediate the spill or release;
- (7) a description of how the spill or release and impacts will be removed or remedied;
- (8) a description of proposed groundwater monitoring plan if groundwater was impacted;
- (9) a description of changes to the well site development plan or reclamation plan if needed;
- (10) a map of the area showing sample locations and the extent of spill or release;
- (11) a copy of analytical reports for any samples that have been collected and analyzed;
- (12) the final disposal site of the E & P wastes recovered from the spill or release;
- (13) an implementation schedule detailing the date(s) of the initial spill or release, the beginning and end of site investigation, the date remediation plan was submitted, the date remediation plan will be implemented, the anticipated completion date of remediation, the actual completion date; and
- (14) the signature of the permittee and date signed.

History Note: Authority 113-391(a)(5)i; 113-391(a)(5)k;
Eff. March 17, 2015.