

Action Item: 15-49 Request for Approval of Hearing Officer's Report and Fiscal Note and Adoption of 15A NCAC 02L Section .0500 Rules for Risk-Based Assessment and Corrective Action for Non-UST Petroleum Releases

Explanation:

In accordance with G.S. 150B-20(Petitioning an agency to adopt a rule), on May 15, 2014, Mr. Marvin E. Taylor, Jr. petitioned the EMC to make rules for the risk-based assessment and corrective action of petroleum discharges and releases from sources other than underground storage tanks. The Groundwater Committee heard the Petition during the July 9, 2014 meeting and directed staff to develop draft rule language to be considered at a future Committee meeting. DWM staff presented the draft rule text during the May EMC meeting and received approval to proceed to public comment and rule-making.

A public hearing was held in Raleigh, North Carolina on August 26, 2015, to take public comments on permanent Rule 15A NCAC 02L Section .0500 Rules for Risk-Based Assessment and Corrective Action for Non-UST Petroleum Releases. Ms. Carin Kromm, Winston-Salem Regional Office UST Section Supervisor, was appointed and acted as the hearing officer during the hearing. The public comment period for the permanent rules closed on October 2, 2015.

One substantive comment was received on the proposed rule during the public comment period. The commenter commented on the need to clarify two items:

1. One reference in .0506 was referring to an incorrect part of a rule .0504, the reference was changed to reference the entire rule .0504.
2. One sentence in rule .0504 was confusing, the sentence was replaced with two sentences for clarification.

Recommendation:

The Hearing Officer recommends that the proposed rules as amended for clarification as in this hearing report be adopted by the Environmental Management Commission