

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 1618\*

Short Title: Petroleum Discharges/De Minimis Reports.

(Public)

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Sponsors: Representatives Warwick; and Morris (Primary Sponsors).

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Referred to: Environment and Natural Resources.

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May 18, 2000

A BILL TO BE ENTITLED

AN ACT TO EXTEND THE DE MINIMIS REPORTING EXCEPTION TO ALL DISCHARGES OF PETROLEUM, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143-215.85 reads as rewritten:

**"§ 143-215.85. Required notice.**

(a) ~~Every~~ Except as provided in G.S. 143-215.94E(a1) and subsection (b) of this section, every person owning or having control over oil or other substances discharged in any circumstances other than pursuant to a rule adopted by the Commission, a regulation of the U. S. Environmental Protection Agency, or a permit required by G.S. 143-215.1 or the Federal Water Pollution Control Act, upon notice that such discharge has occurred, shall immediately notify the Department, or any of its agents or employees, of the nature, location and time of the discharge and of the measures which are being taken or are proposed to be taken to contain and remove the discharge. The agent or employee of the Department receiving the notification shall immediately notify the Secretary or such member or members of the permanent staff of the Department as the Secretary may designate. If the discharged substance of which the Department is notified is a pesticide regulated by the North Carolina Pesticide Board, the Department shall immediately inform the Chairman of the Pesticide Board. Removal operations under this Article of

1 substances identified as pesticides defined in G.S. 143-460 shall be coordinated in  
2 accordance with the Pesticide Emergency Plan adopted by the North Carolina Pesticide  
3 Board; provided that, in instances where entry of such hazardous substances into waters  
4 of the State is imminent, the Department may take such actions as are necessary to  
5 physically contain or divert such substance so as to prevent entry into the surface waters.

6 (b) As used in this subsection, 'petroleum' has the same meaning as in G.S. 143-  
7 215.94A. A person who owns or has control over petroleum that is discharged into the  
8 environment shall immediately take measures to collect and remove the discharge, report  
9 the discharge to the Department within 24 hours of the discharge, and begin to restore the  
10 area affected by the discharge in accordance with the requirements of this Article if the  
11 volume of the petroleum that is discharged is 25 gallons or more or if the petroleum  
12 causes a sheen on nearby surface water or if the petroleum is discharged at a distance of  
13 100 feet or less from any surface water body. If the volume of petroleum that is  
14 discharged is less than 25 gallons, the petroleum does not cause a sheen on nearby  
15 surface water, and the petroleum is discharged at a distance of more than 100 feet from  
16 all surface water bodies, the person who owns or has control over the petroleum shall  
17 immediately take measures to collect and remove the discharge. If a discharge of less  
18 than 25 gallons of petroleum cannot be cleaned up within 24 hours of the discharge or if  
19 the discharge causes a sheen on nearby surface water, the person who owns or has control  
20 over the petroleum shall immediately notify the Department."

21 Section 2. This act is effective when it becomes law and applies to any  
22 discharge of petroleum into the environment that occurs on or after that date.