

DECISION METHOD FOR DISPERSANT AND BIOREMEDIATION TECHNIQUE APPLICATION [NCGS 143-215.84]

December 2022

1. General. The Division of Water Quality of the NC Department of Environmental Quality is responsible for advising the Federal OSC of the state's position on the use of dispersant and bioremediation techniques in response to oil spills. If dispersant or bioremediation techniques are being considered for use in a spill, the SERT representative from the Division of Water Quality should be consulted for information on products acceptable to the State and EPA as shown in the NCP Product Schedule.
2. When the OSC proposes the use of dispersants or requests the state's position on use of dispersants in any given oil spill situation, the Division of Water Quality will be contacted (919-733-5083).
3. NCGS 143-215.84(a) contains the following statement that requires the Environmental Management Commission to approve the usage of a dispersant. The Environmental Management Commission is a 15-member Commission appointed by the Governor, the Senate Pro Tempore and the Speaker of the House. They are responsible for adopting rules for the protection, preservation, and enhancement of the State's air and water resources.

"If it is feasible to collect and remove the discharge, the person responsible shall take all practicable actions to contain, treat and disperse the discharge; but no chemicals detrimental to the environment or natural resources shall be used for such purposes unless they have been previously approved by the Environmental Management Commission."

According to NCAC 15A: 02A.0105(a)(2), The DEQ Secretary has delegated the authority to issue permits for the Environmental Management Commission as provided in NC General Statutes 143-215.28, and 87-88, and to approve the use of chemicals or other dispersants or treatment materials as provided in G.S. 143-215.84(a) The Secretary has further delegated this authority to Director of the Division of Water Quality. The Secretary or his delegate shall report all such issuances or approvals to the Commission.

4. The following information must be provided to the Director of the Division of Water

Quality Dispersant Information:

- Dispersant proposed
- Toxicity information
- Proposed applicator
- Proposed application rate
- Time frame for dispersant application

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Incident Information:

- Material spilled
- Quantity spilled
- Location of the spill
- Date/time of the incident
- Party responsible for the spill
- Cause of the spill
- OSC (Name)

5. Applicability

The procedures listed above will be used when a spill occurs within state waters (within three miles of shore), or in waters likely to affect State waters.

Dispersants **are not** to be used in estuarine or inland waters of the State or in ocean waters where they are likely to adversely impact estuarine waters or their associated fisheries resources (i.e. immediate seaward of inlets) unless approval is given by the DEQ Secretary or his/her designated representative.