



Michael F. Easley, Governor

William G. Ross Jr., Secretary
North Carolina Department of Environment and Natural Resources

Alan W. Klimek, P.E. Director
Division of Water Quality

November 7, 2006

Mr. Patrick Keane
Commander (dxc)
Seventh Coast Guard District
909 SE First Ave
Miami, FL 33131

Subject: Pre-Authorization Policy for Use of Solidifiers for Oil Spill Mitigation

Dear Sir:

Attached please find my signature for pre-authorizing the use of solidifiers for oil spill mitigation in the State of North Carolina and the waters of the State with stipulations.

North Carolina General Statute 143-215.84(a) states in part, "If it is not 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 or other dispersants or treatment materials which will be detrimental to the environment or natural resources shall be used for such purposes unless they shall have been previously approved by the Commission." The Commission refers to the Environmental Management Commission (EMC). Title 15A North Carolina Administrative Code Chapter 2A .0105 (a) (2) delegates the authority to approve the use of chemicals or other dispersants or treatment materials from the EMC to the Secretary of the Department of Environment and Natural Resources. In accordance with North Carolina General Statute 143B-10, the Secretary has delegated this authority to the Director of the Division of Water Quality.

As follows, my approval of the pre-authorization of the use of solidifiers is based upon three conditions that must be demonstrated to my representative or me before the actual use of solidifiers may be allowed in North Carolina.

1. Use of solidifiers shall be conducted under the direct supervision of a federal OSC.
2. Requests for the use of solidifiers from the EPA federal on-scene coordinator (OSC) shall be directed to the Division of Water Quality's Emergency Response Coordinator at (919) 733-5083 during business hours Monday through Friday from 8:00 AM to 5:00 PM or to the emergency response pager at (919) 899-4500 after business hours and on weekends and holidays.
3. Use of solidifiers shall be conducted by a person or persons adequately trained in the application, recovery and disposal of solidifiers.

Approval for the application of solidifiers shall be made on a case-by-case basis.

Sincerely,

A handwritten signature in black ink that reads "Alan Klimek".

Alan W. Klimek, P.E.

One
North Carolina
Naturally

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