

## TITLE 15A – DEPARTMENT OF ENVIRONMENTAL QUALITY

*Notice is hereby given in accordance with G.S. 150B-21.3A(c)(2)g. that the Oil and Gas Commission intends to readopt with substantive changes the rules cited as 15A NCAC 05C .0101, .0103-.0113, .0115-.0121 and .0123-.0126.*

**Link to agency website pursuant to G.S. 150B-19.1(c):** <https://www.deq.nc.gov/permits-regulations/rules-regulations/proposed-main/proposed-rules>

**Proposed Effective Date:** September 1, 2025

**Public Hearing:**

**Date:** January 7, 2025

**Time:** 6:00 p.m.

**Location:** Archdale Bldg. Ground Floor Hearing Room, 512 N. Salisbury St., Raleigh, NC 27604

**Reason for Proposed Action:** *The Oil and Gas Commission, created by N.C. Gen. Stat. § 143B-293.1, administers the Oil and Gas Conservation Act, Article 27 of Chapter 113 of the General Statutes. The Commission is responsible for establishing a modern regulatory program for the management of oil and gas exploration and development of the State and the use of horizontal drilling and hydraulic fracturing. The Commission manages the oil and gas development program through regulations designed to protect public health and safety; protect public and private property; protect and conserve the State's air, water, and other natural resources; promote economic development and expand employment opportunities. The Department of Environmental Quality is tasked with administering and enforcing rules adopted by the Commission in accordance with N.C. Gen. Stat. § 113-391(a4).*

*N.C. Gen. Stat. § 150B-21.3A requires state agencies to review existing rules every 10 years. The Commission is considered an agency as defined by N.C. Gen. Stat. § 150B-2(1b) and therefore is subject to the periodic review requirements at N.C. Gen. Stat. § 150B-21.3A. The proposed rulemaking for 15A NCAC 05C falls within this purview.*

*The Oil and Gas Commission is directed by N.C. Gen. Stat. § 113-391(a) to adopt rules regulating pre-drilling exploration activities, including geophysical surveys, stratigraphic surveys, and testing. The rules in 15A NCAC 05C establish the procedures related to pre-drilling for oil and natural gas exploration activities, including seismic and other geophysical and stratigraphic surveys and testing as required in N.C. Gen. Stat. § 113-391.*

**Comments may be submitted to:** Jim Chapman, Division of Energy, Mineral and Land Resources, Archdale Building, 1612 Mail Service Center, Raleigh, NC 27699-1612; phone (919) 707-9231; email [james.chapman@deq.nc.gov](mailto:james.chapman@deq.nc.gov)

**Comment period ends:** February 14, 2025

**Procedure for Subjecting a Proposed Rule to Legislative Review:** If an objection is not resolved prior to the adoption of the rule, a person may also submit a written objection to the Rules Review Commission. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive letters via U.S. Mail, private courier service, or hand delivery to 1711 New Hope Church Road, Raleigh, North Carolina, or via email to [oah.rules@oah.nc.gov](mailto:oah.rules@oah.nc.gov). If you have any further questions concerning the submission of objections to the Commission, please review 26 NCAC 05 .0110 or call a Commission staff attorney at 984-236-1850.

**Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.**

- State funds affected
- Local funds affected
- Substantial economic impact ( $\geq$  \$1,000,000)
- Approved by OSBM
- No fiscal note required

### CHAPTER 05 - MINING - MINERAL RESOURCES

#### SUBCHAPTER 05C - GEOPHYSICAL EXPLORATION

##### 15A NCAC 05C .0101 DEFINITIONS

~~(d)(a) Department. "Department" Whenever the word "department" is referred to in these rules, it shall mean means the North Carolina Department of Environment, Health, and Natural Resources Environmental Quality in Raleigh, North Carolina.~~

~~(a)(b) "Explorations" Explorations. Whenever the word "explorations" is referred to in these rules, it shall mean means geological, geophysical and other surveys and investigations, including seismic methods for the discovery and location of oil, gas or other mineral prospects, and which may or may not involve the use of explosives.~~

~~(c) "Party chief" means the leader of the on-site crew conducting the exploration work for a company that is permitted to conduct such work under these rules.~~

~~(d) "Secretary" means Secretary of the Department of Environmental Quality.~~

(e) "Seismic agent" means a North Carolina Department of Environmental Quality representative who shall be responsible for observing and monitoring compliance with the rules and regulations of the Department and the issued permit for geophysical operations.

(b)(f) ~~Seismic Explorations.~~ "Seismic explorations" ~~The word "seismic explorations" shall mean~~ means any geophysical exploration method ~~which involves involving~~ the use of explosives. ~~explosives and shall include the seismic vibrator method.~~

(g) "Seismic vibrator method" means a vibrator device used as an energy source to generate a controlled acoustic wave train.

(h) "Shooting component" means one explosive charge.

(e)(i) ~~Shot.~~ "Shot" ~~The word "shot" as used in these rules shall mean~~ means the use and detonation of TNT, powder, dynamite, ~~nitroglycerin~~ nitroglycerin, each use of the seismic vibrator method, or other explosives.

*History Note:* Authority G.S. 113-391;  
Eff. February 1, 1976;  
Amended Eff. January 31, 1979;  
Readopted Eff. August 1, 1982;  
Amended Eff. April 1, 1990;  
Readopted Eff.

#### **15A NCAC 05C .0103 CORRESPONDENCE**

Reports and correspondence by all parties in connection with these rules shall be addressed to "North Carolina Department of ~~Environment, Health, and Natural Resources,~~ Environmental Quality" in Raleigh, N.C." unless ~~from time to time~~ parties subject to these rules shall be notified in writing by the ~~department~~ Department to direct communications to a specified division or a specified representative of the ~~department~~ Department.

*History Note:* Authority G.S. 113-391;  
Eff. February 1, 1976;  
Amended Eff. January 31, 1979;  
Readopted Eff. August 1, 1982;  
Amended Eff. April 1, 1990;  
Readopted Eff.

#### **15A NCAC 05C .0104 SITE REGULATION**

The Secretary of the Department of Environmental Quality ~~Environment, Health, and Natural Resources~~ (and in areas in which wildlife resources will be appreciably affected, with the advice and approval of the Director of the N.C. Wildlife Resources Commission and representatives of the U.S. Fish and Wildlife Service, ~~Service~~) will shall designate the extent of when, where, and how much exploration work may ~~shall~~ be conducted under these Rules.

*History Note:* Authority G.S. 113-391;  
Eff. February 1, 1976;  
Amended Eff. January 31, 1979;  
Readopted Eff. August 1, 1982;  
Amended Eff. April 1, 1990;  
Readopted Eff.

#### **15A NCAC 05C .0105 PERMIT REQUIRED**

A permit from the Department ~~department~~ is required for all seismic exploration work in the area to which these rules are applicable. ~~applicable.~~ No such seismic work shall be started without a permit and all such work must shall be carried out in such manner as may be approved by the Department. ~~said secretary.~~

*History Note:* Authority G.S. 113-391;  
Eff. February 1, 1976;  
Readopted Eff. August 1, 1982;  
Readopted Eff.

#### **15A NCAC 05C .0106 PERMIT APPLICATION**

Application for permits for such exploration work must shall be filed in quadruplicate with the department Department at least 40 days ~~30 business days~~ before issuance of permits and must shall be accompanied by a detailed map showing the exact area in which the geophysical operations are to be conducted, such area to be shown, where possible, by reference to established ~~east~~ objects or geodetic landmarks. (~~The department may hereafter require applications to be filed on special forms to be provided by the department.~~) Permittees will shall also obtain appropriate assent from the lessee if and where the area under investigation is leased, with exclusive exploration ~~privilege, to other than the permittee.~~ privilege. If the applicant is not the owner of the land and owner of the mineral rights to be explored, the applicant shall include the owner's written consent for the applicant to submit an exploration application to conduct exploration activities.

*History Note:* Authority G.S. 113-391;  
Eff. February 1, 1976;  
Readopted Eff. August 1, 1982;  
Readopted Eff.

### 15A NCAC 05C .0107 PERMIT DURATION

Permits are limited to a period of six months from date of issue, but may be renewed for not more than two additional 90-day periods at the discretion of the Department, secretary. Applications for each renewal may be submitted made electronically, in letter form. After the expiration of a permit and any renewals thereof, work may continue or be resumed under any new permit issued or application made as provided in Rule ~~0006~~ .0106 of this ~~Subchapter~~ Section.

*History Note:* Authority G.S. 113-391;  
Eff. February 1, 1976;  
Readopted Eff. August 1, 1982;  
Readopted Eff.

### 15A NCAC 05C .0108 GEOGRAPHIC LIMITS ON WORK

~~No A seismic exploration shall not be conducted outside of the permitted area. crew shall work outside the area or areas as described in its permit or permits.~~

*History Note:* Authority G.S. 113-391;  
Eff. February 1, 1976;  
Readopted Eff. August 1, 1982;  
Readopted Eff.

### 15A NCAC 05C .0109 SEISMIC AGENTS

Each seismic exploration crew working under a permit issued pursuant to these rules ~~will~~ shall always be accompanied by a seismic agent, unless written exception has been granted by the Department, secretary. ~~When If a geophysical company crew employs more than one shooting component or more than one seismic vibration crew unit and the operations units are at such a distance apart that it is impossible for the seismic agent to travel from one to the other in time to observe the shots of each crew, it will be required that an agent shall be assigned to each geophysical shooting component of the crew. crew. The seismic agent shall be present for each shot and each use of the seismic vibrator method. will be constantly present during the shooting operations of the party to which he is assigned.~~

*History Note:* Authority G.S. 113-391;  
Eff. February 1, 1976;  
Readopted Eff. August 1, 1982;  
Readopted Eff.

### 15A NCAC 05C .0110 DAILY REPORT REQUIRED

~~The permittee shall file a daily report Daily reports on such exploration work shall be filed with the Department department by the seismic agent at the end of each working day. period. A separate report must shall be made for each day whether or not data acquisition shooting is in progress. These reports must furnish complete information as indicated on the report form and must be signed by the party chief and by the seismic agent. The party chief will furnish only such information to the seismic agent as is required to fill out the daily reports. Should the department wish to secure any other information, it will furnish the party chief with a written request. The Department may request additional information.~~

*History Note:* Authority G.S. 113-391;  
Eff. February 1, 1976;  
Readopted Eff. August 1, 1982;  
Readopted Eff.

### 15A NCAC 05C .0111 NOTIFICATION

~~Operators Permittees shall notify the Department department electronically with verifying receipt at least one week two weeks in advance of the beginning, and shall give notice of interruption, and of cessation of work in any area, area, and shall keep the department informed of name and address of party chief, and location and movements of the crew or quarter boat.~~

*History Note:* Authority G.S. 113-391;  
Eff. February 1, 1976;  
Readopted Eff. August 1, 1982;  
Readopted Eff.

### 15A NCAC 05C .0112 SIZE OF EXPLOSIVE CHARGES

Charges in excess of 50 pounds of TNT or its equivalent shall not be used except pursuant to written authorization from the Department, department. Requests shall be submitted with the permit application to the Department, for the use Use of such charges ~~must shall~~ be made in writing, giving the reasons why such charges are needed, the size of charges to be used, and the depth at which they are to be suspended or buried. ~~Such requests should be addressed to the department.~~ Should multiple charges be used, the total amount of explosive should not exceed 50 pounds of TNT or its equivalent without ~~special~~ permission from the Department, department.

*History Note:* Authority G.S. 113-391;

*Eff. February 1, 1976;*  
*Readopted Eff. August 1, 1982;*  
*Readopted Eff.*

#### **15A NCAC 05C .0113 PLACING OF CHARGES**

The placing of explosive charges on the bottoms of the water at any area covered by a permit issued pursuant to these rules is ~~prohibited.~~  
~~prohibited. No undetonated charges shall be left.~~ No such charges should be detonated that are less than five feet to the bottom, nearer  
~~to the bottom or water bed than five feet.~~ No undetonated charges shall be left following the work day.

*History Note: Authority G.S. 113-391;*  
*Eff. February 1, 1976;*  
*Readopted Eff. August 1, 1982;*  
*Readopted Eff.*

#### **15A NCAC 05C .0115 REMOVAL**

All pipe used in geophysical operations ~~must~~ shall be removed by the ~~party~~ permittee using such pipe to at least six feet below the bottom ~~or water bed (and~~ and in charted navigable channels, ~~at least eight feet below charted dredge depth)~~ depth before ~~finally~~ leaving the ~~shot point.~~ location where the pipe is placed.

*History Note: Authority G.S. 113-391;*  
*Eff. February 1, 1976;*  
*Readopted Eff. August 1, 1982;*  
*Readopted Eff.*

#### **15A NCAC 05C .0116 IDENTIFICATION**

All ~~parties~~ permittees using pipe ~~must~~ shall have ~~clearly~~ stamped at each end of each joint the name or abbreviation of the name of the ~~company using the pipe.~~ permittee.

*History Note: Authority G.S. 113-391;*  
*Eff. February 1, 1976;*  
*Readopted Eff. August 1, 1982;*  
*Readopted Eff.*

#### **15A NCAC 05C .0117 PIPES AND BUOYS**

All pipes, buoys, and other markers used in connection with seismic work shall be ~~properly~~ flagged in the daytime and lighted at night according to the navigation rules of the U.S. Army Corps of Engineers and the U.S. Coast Guard.

*History Note: Authority G.S. 113-391;*  
*Eff. February 1, 1976;*  
*Readopted Eff. August 1, 1982;*  
*Readopted Eff.*

#### **15A NCAC 05C .0118 EXPLOSIVES**

No explosives shall be discharged within 1,000 feet of a ~~fishing~~ water boat operating in the ~~waters,~~ water without notice being given to such boat so that it may move from the area. ~~Before any shot is discharged the exploration party shall employ methods approved by the industry to frighten or drive away the fish and/or marine life which may be in the area where the shot is to be discharged. If there is a school or schools of fish in the area to be shot, operations must be suspended in that particular area until said school or schools of fish have been driven away.~~

*History Note: Authority G.S. 113-391;*  
*Eff. February 1, 1976;*  
*Readopted Eff. August 1, 1982;*  
*Readopted Eff.*

#### **15A NCAC 05C .0119 SHOOTING**

(a) No shooting will be allowed except in daylight hours. ~~hours so that the seismic agent may observe the results of each shot, except that, in the discretion of the department and on written request stating the reasons therefor special written permission may be granted for night shooting.~~

(b) No shooting ~~will~~ shall be allowed in heavy fog. ~~fog due to danger to boats in close proximity.~~

(c) The permittee shall stop ~~Persistent~~ gas and water spouts caused by drilling or shooting operations of seismic crews as soon as possible, but no later than 24 hours. ~~will be stopped by permittee as soon as possible after they occur.~~

*History Note: Authority G.S. 113-391;*  
*Eff. February 1, 1976;*  
*Readopted Eff. August 1, 1982;*

Readopted Eff.

**15A NCAC 05C .0120 MINIMUM DEPTHS**

(a) Minimum required depths of charges detonated in holes below the bottom ~~or bed of the inland or offshore waters~~ water within the jurisdiction of this ~~state~~ State shall be as follows:

- |     |   |                           |
|-----|---|---------------------------|
| (1) | five pounds or less <u>of TNT or its equivalent</u> ; | 20 feet below the bottom, |
| (2) | up to 20 pounds <u>of TNT or its equivalent</u> ;     | 40 feet below the bottom, |
| (3) | up to 30 pounds <u>of TNT or its equivalent</u> ;     | 50 feet below the bottom, |
| (4) | up to 40 pounds <u>of TNT or its equivalent</u> ;     | 60 feet below the bottom, |
| (5) | up to 50 pounds <u>of TNT or its equivalent</u> ;     | 70 feet below the bottom. |

(b) ~~No part of the charge shall be above the minimum required depth.~~ Irrespective of the minimum depths specified in Paragraph (a) of this Rule, all charges shall be detonated at sufficient depths to prevent cratering.

(c) These minimum required depths shall not apply to trial charges and charges for determining condition of the weathering layer; provided that such charges are not over five pounds and not fired without permission of the seismic agent. ~~and then no more often than absolutely necessary.~~

*History Note:* Authority G.S. 113-391;  
Eff. February 1, 1976;  
Readopted Eff. August 1, 1982;  
Readopted Eff.

**15A NCAC 05C .0121 DETAILED PROVISIONS**

(a) When more than one shot is fired in the same hole, ~~hole and there is any reasonable doubt in the mind of either the seismic the permittee shall measure agent or the field manager of the party as to the legal depth of the hole after the shot is fired, the hole will be measured for depth every shot is fired.~~ before reloading to ascertain that it is the required depth in accordance with the table of charges and depth.

(b) All surveying hub stakes ~~2 x 2's~~ used for survey lines ~~must~~ shall be clearly stamped with the name of the permittee ~~company~~ using the stakes at ~~approximately~~ three-foot intervals.

(c) All holes drilled in geophysical operations in land areas ~~must~~ shall be filled ~~filled~~, by the permittee ~~the persons or agency drilling these holes~~, before leaving the location.

(d) No explosives shall be discharged within 300 feet of any oyster reef or bed, including any state-owned natural reefs, or within 300 feet of any dock, pier, causeway or other ~~fixed structure~~, structure anchored to the seabed without written permission signed by the owner ~~and/or~~ and lessee of the reef or bed, approved by the ~~department~~. Department.

~~(e) All shot charges suspended in the water by floats shall be of such type and packaged in such manner that same will disintegrate and neutralize in the water within a short time, and any suspended charge which fails to discharge shall be immediately removed from the water if same can, in the opinion of the party chief or manager, be done without endangering the life of any member of the party, but, in no event, shall any such undischarged suspended charge be abandoned without destroying the floats attached thereto. Where inflated floats are used, all charges will be suspended from dual floats either of which will be capable of retaining the charge at the proper depth.~~

~~(c)~~ Boats, marsh buggies or other types of marsh vehicles ~~must~~ shall be so used as to cause the minimum disturbance of an injury to lands, waterbottoms, and wildlife and fisheries thereon. ~~All such vehicles shall be clearly painted or otherwise distinctively marked so as to be easily seen and identified.~~

(g) Agents assigned to seismic crews are to be employees of and under the supervision of the department.

(h) The department on request, will have access to all records, such as shot point location maps, shooters' logs and tracings, but only to the extent necessary to determine that all protective requirements have been complied with.

(i) The interpretation of these rules by the department will be accepted by the seismic operator and the seismic agent.

(j) The party chief will instruct the members of his party as to these rules, and to the duty and authority of the department and the seismic agent.

(k) The party chief will assist the seismic agent to fill out the required form by furnishing all necessary data.

*History Note:* Authority G.S. 113-391;  
Eff. February 1, 1976;  
Readopted Eff. August 1, 1982;  
Readopted Eff.

**15A NCAC 05C .0123 POWERS OF SEISMIC AGENTS**

The seismic agent has the right to stop any particular shooting ~~shooting~~, if, in his opinion, if it will violate the rules in this Subchapter, but does not have the authority to shut down the entire exploration work. ~~If, in the opinion of the seismic agent, If such violations continue, he or she shall will immediately contact the Department within 24 hours.~~ department, and the members of the exploration party will assist him to do this with all the facilities at their disposal.

*History Note:* Authority G.S. 113-391;  
Eff. February 1, 1976;  
Readopted Eff. August 1, 1982;  
Readopted Eff.

**15A NCAC 05C .0124 DUTIES OF PARTY CHIEF**

(a) The party chief ~~shall provide will furnish~~ the ~~department~~ Department's representative supervisor or his or her agent with transportation facilities ~~to~~ for inspection ~~enable him to visit~~ of the working area, if required.

(b) The party chief is required to notify the Department ~~department~~ immediately if the seismic agent is not on the working area. ~~job,~~ and will notify the ~~department~~ supervisor if it should become necessary to relieve an agent at any time. The Department ~~department~~ supervisor will shall arrange relief for the seismic agent. agent, if necessary.

*History Note:* Authority G.S. 113-391;  
Eff. February 1, 1976;  
Readopted Eff. August 1, 1982;  
Readopted Eff.

**15A NCAC 05C .0125 RELEASE FROM THESE REGULATIONS**

No seismic agent shall have the right to release any operator from the obligations imposed by these rules. Permittee may request an exception to these rules in writing by setting forth reasons for the request. Exceptions may be granted by the ~~department~~ Department only, ~~after written application setting forth reasons for exception.~~ The release and will shall designate the particular area and rule affected and the procedure to be followed in lieu of the established rule.

*History Note:* Authority G.S. 113-391;  
Eff. February 1, 1976;  
Readopted Eff. August 1, 1982;  
Readopted Eff.

**15A NCAC 05C .0126 DUTIES OF OPERATORS**

All ~~operators~~ permittees conducting seismic operations shall use ~~reasonable~~ precaution in accordance with approved and accepted ~~methods.~~ methods to prevent destruction of, or injury to, fish, oysters, shrimp, and other aquatic life, wildlife, or other natural resources.

*History Note:* Authority G.S. 113-391;  
Eff. February 1, 1976;  
Readopted Eff. August 1, 1982;  
Readopted Eff.