

NCOGC

Third Phase of Rules Review by Rules
Committee 2022

Follow up Review February 2023

NCAC 05H Rules

Analyze URLs, Email Addresses, Mailing
Addresses

September 8, 2022

- **Format of presentation:**
 - First, an image of the subject paragraph
 - Second, a link to the URL, email address or mailing address
 - If the link is invalid:
 - Correct it
 - Delete it
 - Explain alternatively
 - Need administrative support from DEQ

the production casing.

- (58) "Intermittent stream" is determined by North Carolina Division of Water Quality Methodology for Identification of Intermittent and Perennial Streams and Their Origins, Version 4.11, Effective Date: September 1, 2010, including subsequent amendments and editions, which can be accessed for free at <http://portal.ncdenr.org/web/wq/swp/ws/401/waterresources/streamdeterminations>.
- (59) "Joint" means a length of drill pipe or casing.
- (60) "Kelly bushing" means a device that is fitted to the rotary table through which the kelly passes and

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<http://portal.ncdenr.org/web/wq/swp/ws/401/waterresources/streamdeterminations>

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(b) The use of any forms other than those provided by the Department is prohibited. These forms are available on the Division's Oil and Gas Program webpage at the following address: <http://portal.ncdenr.org/web/lr/oilgas>.

(c) All notice and forms required by the rules in this Subchapter to be submitted to the Department shall be made to: Oil & Gas Program, Division of Energy, Mineral, and Land Resources, 1612 Mail Service Center, Raleigh, NC 27699-1612 and a copy in .pdf form submitted to Oil&Gas@ncdenr.gov. The phone number for the Division is 919-707-9220 and the fax number is 919-715-8801.

<http://portal.ncdenr.org/web/lr/oilgas>

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reclamation conditions of the approved permit.

(c) The Commission shall use the Reclamation Cost Table to calculate the amount for the disturbed land bond. The Reclamation Cost Table set by the Commission shall include the following:

- (1) stone removal for access road and well pad in cubic yards;
- (2) spreading stockpiles and berms to prepare for fine grading in cubic yards;
- (3) filling of pits in cubic yards;
- (4) fine grading per acre;
- (5) seed and mulch, repair seeding, and fertilizing per acre;
- (6) matting for soil cover per acre;
- (7) matting permanent soil reinforcement per acre;
- (8) drainage ditch excavation; and
- (9) borrow excavation.

(d) The disturbed land bond shall be calculated by multiplying the affected area for each item listed in Paragraph (c) of this Rule and the unit cost for each item as determined by the Commission based on market value of each item. The Reclamation Cost Table is available on the Division's Oil and Gas Program webpage at the following address: <http://portal.ncdenr.org/web/lr/oilgas>.

(e) If the applicant, permittee, or surface owner disagrees with the disturbed land bond amount determined by the Commission, the applicant, permittee, or surface owner may appeal the bond amount pursuant to G.S. 113-421(a3)(1).

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<http://portal.ncdenr.org/web/lr/oilgas>

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- (2) environmental or natural resources, which may include:
- (A) existing national or State parks or forests, wilderness areas, the State Nature and Historic Preserve, or public recreation areas;
 - (B) present sections of the natural and scenic rivers system;
 - (C) stream segments that have been classified for scientific or research uses by the Environmental Management Commission at <http://portal.ncdenr.org/web/wq/ps/csu>, or that are proposed to be so classified in a rulemaking proceeding that is pending before the Environmental Management Commission pursuant to G.S.143-214.1 at the time of the designation of the area of environmental concern;
 - (D) existing wildlife refuges, preserves or management areas found at <http://www.fws.gov/refuges/refugelocatormaps/NorthCarolina.html> and game lands identified by the Wildlife Resources Commission found at <http://ncpaws.org/wrcmapbook/>;
 - (E) areas that sustain rare and endangered botanical or animal species; and
 - (F) areas containing unique geological formations, as identified by the State Geologist.

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<http://portal.ncdenr.org/web/wq/ps/csu>

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<http://www.fws.gov/refuges/refugelocatormaps/NorthCarolina.html>

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<http://ncpaws.org/wrcmapbook>

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(C) areas where geologic and soil conditions are such that there is a substantial possibility of landslides or seismic activity, as identified by the State Geologist, at <http://portal.ncdenr.org/web/lr/geologic-hazards>.

- (4) Outstanding Resource Waters as designated by the Division of Water Resources at <http://nc.maps.arcgis.com/apps/webappviewer/index.html?id=5f5cce7640a1499b83a7b7efaf5524a4> and such contiguous land for the purpose of maintaining the exceptional water quality and outstanding resource values identified in the designation; and
- (5) Primary Nursery Areas as designated by the Marine Fisheries Commission at <http://portal.ncdenr.org/web/mf/primary-nursery-areas>.

(d) After the Commission determines that an operation would be sited in an environmentally sensitive area, the Commission may increase the bond amount pursuant to G.S. 113-421(a3)(2). In making the determination, the Commission shall consider factors such as the following:

<http://nc.maps.arcgis.com/apps/webappviewer/index.html?id=5f5cce7640a1499b83a7b7efaf5524a4>

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- (11) the erosion and sedimentation control measures that are designed and constructed to prevent sedimentation to water bodies and adjacent properties from any land disturbing activities related to the construction of the well site in accordance with the SPCA and 15A NCAC 04, and the "North Carolina Erosion and Sediment Control Planning and Design Manual," which is incorporated by reference, including subsequent amendments and editions. The North Carolina Erosion and Sediment Control Planning and Design Manual may be viewed online for no charge at <http://portal.ncdenr.org/web/lr/publications>;
- (12) the stormwater management control measures shall be designed and constructed in accordance with 15A NCAC 02H and the "North Carolina Division of Water Quality Stormwater Best Management Practices Manual," which is incorporated by reference, including subsequent amendments and editions. The Stormwater Best Management Practices Manual may be viewed online for no charge at <http://portal.ncdenr.org/web/lr/bmp-manual>;

<http://portal.ncdenr.org/web/lr/bmp-manual>

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(c) Well site disturbed areas shall be minimized. Taking into consideration the geologic target, setbacks, and safety, the well site shall be located in accordance with API Recommended Practice 51R "Environmental Protection for Onshore Oil and Gas Production Operations and Leases," and the United States Department of the Interior, Bureau of Land Management (BLM) "Surface Operating Standards and Guidelines for Oil and Gas Exploration and Development, the Gold Book," which are incorporated by reference, including subsequent amendments and editions. Recommended Practice 51R, published by API, may be viewed online for no charge at <http://publications.api.org/>. The Gold Book may be viewed online for no charge at http://www.blm.gov/wo/st/en/prog/energy/oil_and_gas/best_management_practices/gold_book.html.

(d) Well sites shall be designed and located pursuant to the SPCA and in accordance with the North Carolina Erosion and Sediment Control Planning and Design Manual.

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http://www.blm.gov/wo/st/en/prog/energy/oil_and_gas/best_management_practices/gold_book.html

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15A NCAC 05H .1503 ACCESS ROAD CONSTRUCTION STANDARDS

(a) Prior to construction of the access road, the permittee shall post an identification sign pursuant to Rule .1615 of this Subchapter.

(b) Access roads shall be located, designed, and constructed to minimize environmental impact and meet the requirements of the SPCA, 15A NCAC 04, "North Carolina Erosion and Sediment Control Planning and Design Manual," 15A NCAC 02H, "North Carolina Division of Water Quality Stormwater Best Management Practices Manual," and the North Carolina Department of Transportation "Standard Specifications for Roads and Structures." The Standard Specifications for Roads and Structures, published by the Department of Transportation, may be viewed online for no charge at http://www.ncdot.org/doh/preconstruct/ps/specifications/specifications_provisions.html.

- (1) access roads shall be constructed and maintained to a minimum width of 20 feet and to allow emergency response vehicles to enter the well site at all times;
- (2) public roads shall be kept clear of mud and debris from the well site; and
- (3) turnarounds or pull-off areas shall be installed for single-lane access roads exceeding 150 feet in length.

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http://www.ncdot.org/doh/preconstruct/ps/specifications/specifications_provisions.html

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15A NCAC 05H.1606 CEMENTING STANDARDS

(a) All cement pumped into the wellbore shall consist of cement that is manufactured and tested pursuant to API Specification 10A "Specification for Cements and Materials for Well Cementing" or the American Society for Testing and Materials (ASTM) Standard Specification "C150/C150M Standard Specification for Portland Cement," which are incorporated by reference, including subsequent amendments and editions. Specification 10A, published by API, may be viewed online for no charge at <http://publications.api.org/>. Specification C150/C150M, published by ASTM, may be purchased at a cost of forty-one dollars (\$41.00) at <http://www.astm.org/Standards/C150.htm> or by mail at 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959.

(b) The permittee, or an authorized representative of the permittee, shall be onsite for all cement mixing and

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(b) Water supply testing required by G.S. 113-423(f), and in accordance with this Rule, shall be conducted pursuant to the U.S. Environmental Protection Agency (EPA) Region IV Science and Ecosystem Support Division (SESD) "Operating Procedure for Groundwater Sampling," document number SESDPROC-301-R3, "Operating Procedure for Surface Water Sampling," document number SESDPROC-201-R3, and the U.S. Geological Survey (USGS) "National Field Manual for the Collection of Water-Quality Data," Book 9, Handbooks for Water-Resources Investigations, which are incorporated by reference, including subsequent amendments and editions. These

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documents may be obtained online at no charge at <http://www.epa.gov/region4/sesd/fbqstp/Groundwater-Sampling.pdf>,

<http://www.epa.gov/region4/sesd/fbqstp/Surfacewater-Sampling.pdf>, and <http://water.usgs.gov/owq/FieldManual/>.

(c) If a permittee drills an oil or gas well but does not install production casing and abandons the oil or gas well in accordance with the plugging and abandonment requirements outlined in Rule .1618 of this Subchapter, subsequent testing pursuant to Subparagraph (a)(3) of this Rule is not required.

(d) The Department may require additional testing if the current data collected shows an increase in concentration

<http://www.epa.gov/region4/sesd/fbqstp/Groundwater-Sampling.pdf>

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<http://www.epa.gov/region4/sesd/fbqstp/Surfacewater-Sampling.pdf>

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<http://water.usgs.gov/owq/FieldManual/>

Works

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(f) Residuals from onsite pretreatment shall be disposed of in accordance with G.S. 143-215.1 and G.S. 130A-294, or transported to another state and disposed of in accordance with the receiving state's rules.

(g) Solid E & P waste, including drill cuttings and solidified muds, shall be characterized in accordance with EPA Method 1311, Toxicity Characteristic Leaching Procedure, which is incorporated by reference, including subsequent amendments and found at <http://www.epa.gov/epawaste/hazard/testmethods/sw846/pdfs/1311.pdf>. The solid E & P waste shall be characterized on a frequency and schedule determined by the Department, based on the permittee's drilling, completion, and stimulation practices. In addition, the Director, in consultation with the Director of the Division of Waste Management, may require additional analysis as necessary for the protection of public health, welfare, and the environment.

(h) Solid E & P waste shall be disposed of by transfer to the appropriate permitted solid waste management facility in accordance with 15A NCAC 13A or 15A NCAC 13B, which are incorporated by reference including subsequent amendments

<http://www.epa.gov/epawaste/hazard/testmethods/sw846/pdfs/1311.pdf>

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Discussion

- If the link is invalid:
 - Correct it
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 - Explain alternatively
 - Need administrative support from DEQ
 - IF it is informational only, can be altered or deleted without affecting the official statute.
 - » Otherwise would require peer review and trigger voting to amend the official document