

CHAPTER 05 - MINING: MINERAL RESOURCES

SUBCHAPTER 05C - GEOPHYSICAL EXPLORATION

15A NCAC 05C .0101 DEFINITIONS

- (a) "Explorations" 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.
- (b) "Seismic Explorations" means any geophysical exploration method involving the use of explosives and shall include the seismic vibrator method.
- (c) "Shot" means the use and detonation of TNT, powder, dynamite, nitroglycerin, each use of the seismic vibrator method, or other explosives.
- (d) "Department" means the North Carolina Department of Environmental Quality in Raleigh, North Carolina.
- (?) "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.
- (?) "Secretary" means Secretary of the Department of Environmental Quality.
- (?) "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.
- (?) "Seismic vibrator method" means a vibrator device used as an energy source to generate a controlled acoustic wave train.
- (?) "Shooting component" means one explosive charge.

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.

15A NCAC 05C .0103 CORRESPONDENCE

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

15A NCAC 05C .0104 SITE REGULATION

The Secretary of the Department of Environmental Quality shall designate the extent of how much exploration work may 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.

15A NCAC 05C .0105 PERMIT REQUIRED

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

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

15A NCAC 05C .0106 PERMIT APPLICATION

Application for permits for such exploration work shall be filed with the Department at least 30 business days before issuance of permits and 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. 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.

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. Applications for each renewal may be submitted electronically. 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 .0106 of this Section.

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

15A NCAC 05C .0108 GEOGRAPHIC LIMITS ON WORK

A seismic exploration shall not be conducted outside of the permitted area.

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

15A NCAC 05C .0109 SEISMIC AGENTS

Each seismic exploration crew working under a permit issued pursuant to these rules shall always be accompanied by a seismic agent, unless written exception has been granted by the Department. If a geophysical company employs more than one shooting component or more than one seismic vibration crew and the operations 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, an agent shall be assigned to each geophysical crew. The seismic agent shall be present for each shot and each use of the seismic vibrator method.

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

15A NCAC 05C .0110 DAILY REPORT REQUIRED

The permittee shall file a daily report on exploration work with the Department at the end of each working day. A separate report shall be made for each day whether or not data acquisition is in progress. The Department may request additional information.

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

15A NCAC 05C .0111 NOTIFICATION

Permittees shall notify the Department electronically with verifying receipt at least two weeks in advance of the beginning, and shall give notice of interruption, and of cessation of work in any area.

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

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. Requests shall be submitted with the permit application to the Department. Use of such charges 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. Should multiple charges be used, the total amount of explosive should not exceed 50 pounds of TNT or its equivalent without permission from the Department.

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

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. No such charges should be detonated that are less than five feet to the bottom. 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.*

15A NCAC 05C .0115 REMOVAL

All pipe used in geophysical operations shall be removed by the permittee using such pipe to at least six feet below the bottom and in charted navigable channels, eight feet below charted dredge depth before leaving the location where the pipe is placed.

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

15A NCAC 05C .0116 IDENTIFICATION

All permittees using pipe shall have stamped at each end of each joint the name or abbreviation of the name of the permittee.

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

15A NCAC 05C .0117 PIPES AND BUOYS

All pipes, buoys, and other markers used in connection with seismic work shall be 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.*

15A NCAC 05C .0118 EXPLOSIVES

No explosives shall be discharged within 1,000 feet of a boat operating in the water without notice being given to such boat so that it may move from the area.

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

15A NCAC 05C .0119 SHOOTING

- (a) No shooting shall be allowed except in daylight hours.
- (b) No shooting shall be allowed in heavy fog.
- (c) The permittee shall stop gas and water spouts caused by drilling or shooting operations of seismic crews within 24 hours.

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

15A NCAC 05C .0120 MINIMUM DEPTHS

- (a) Minimum required depths of charges detonated in holes below the bottom water within the jurisdiction of this State shall be as follows:
 - (1) five pounds or less of TNT or its equivalent; _____ 20 feet below the bottom,
 - (2) up to 20 pounds of TNT or its equivalent; _____ 40 feet below the bottom,
 - (3) up to 30 pounds of TNT or its equivalent; _____ 50 feet below the bottom,
 - (4) up to 40 pounds of TNT or its equivalent; _____ 60 feet below the bottom,
 - (5) up to 50 pounds of TNT or its equivalent; _____ 70 feet below the bottom.
- (b) 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.

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

15A NCAC 05C .0121 DETAILED PROVISIONS

- (a) When more than one shot is fired in the same hole, the permittee shall measure the legal depth of the hole after every shot is fired.
- (b) All surveying hub stakes used for survey lines shall be stamped with the name of the permittee using the stakes at three-foot intervals.
- (c) All holes drilled in geophysical operations in land areas shall be filled by the permittee 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 structure anchored to the seabed without written permission signed by the owner and lessee of the reef or bed, approved by the Department.
- (e) Boats, marsh buggies or other types of marsh vehicles shall be so used as to cause the minimum disturbance of an injury to lands, waterbottoms, and wildlife and fisheries thereon.

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

15A NCAC 05C .0123 POWERS OF SEISMIC AGENTS

The seismic agent has the right to stop any particular shooting if it will violate the rules in this Subchapter, but does not have the authority to shut down the entire exploration work. If such violations continue, he or she shall contact the Department within 24 hours.

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

15A NCAC 05C .0124 DUTIES OF PARTY CHIEF

(a) The party chief shall provide the Department's representative or his or her agent with transportation facilities for inspection of the working area, if required.

(b) The party chief is required to notify the Department if the seismic agent is not on the working area. The Department shall arrange relief for the seismic agent, if necessary.

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

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 and 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.*

15A NCAC 05C .0126 DUTIES OF OPERATORS

All permittees conducting seismic operations shall use precaution in accordance with approved and accepted 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.*