

# Oil & Gas Rule Set Presentation to the Sedimentation Control Commission

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and the MEC

# Rule Set Dates

- December 5, 2014 – MEC adopted the rules
- December 17, 2014 – Rules Review Commission approved 107 rules
- January 15, 2014 – Rules Review Commission approved the remaining 13 rules (120 total)

# Rules Involving Sediment and Erosion Control

- Rule 1304: Permit Application
- Rule 1306: Fees
- Rule 1307: Application Review Process
- Rule 1309: Denial of Application
- Rule 1502: Well Site Construction
- Rule 1503: Access Road Construction

# Rule 1304: Permit Application

- (c) The applicant or permittee shall submit the following attachments with Form 2 – Oil or Gas Well Permit Application:
  - (2) a Well Site Development Plan that includes the Sedimentation and Erosion Control and Stormwater Management Plans as a part of the site construction sheets and details for review in accordance with Section .1500 of this Subchapter;

# Rule 1306: Fees

- (a) The applicant or permittee shall remit the fees in the amounts prescribed under G.S. 113-395, 113A-54.2, and 143-215.3D(e).
- G.S. 113A-54.2(b) The Sedimentation Account is established as a nonreverting account within the Department. Fees collected under this section shall be credited to the Account and shall be applied to the costs of administering this Article.

# Rule 1307: Application Review Process

- (b) Upon receipt of a complete Form 2 – Oil or Gas Well Permit Application for a new permit or for a modification of an existing permit, the Department shall send a notice of the application to each of the following agencies with a request that each agency review and provide written comment on the application, including whether the reviewing agency has concerns regarding the items in Rule .1405(c) of this Subchapter, within 30 calendar days of the date on which the request is made:
  - (10) The county and municipality in which the permit application is located.

# Rule 1307: Application Review Process

## Cont.

- (d) Pursuant to the SPCA and 15A NCAC 04, the Department shall review the erosion control plan for approval, approval with modifications, or disapproval.

# Rule 1309: Denial of Application

- (a) The Department shall have the authority to deny a permit application to any person on finding that the well site for which a permit is requested is in violation of any of the rules contained in this Subchapter, the issuance of the permit would result in a violation of any rule of this Subchapter or other applicable law or rule, or for any of the following factors:
  - (6) previous experience with similar operations indicates a substantial possibility that the operation will result in deposits of sediment in stream beds or lakes in violation of the Sediment Pollution Control Act of 1973 and 15A NCAC 02L .0202 and 15A NCAC 02B, landslides, or acid water pollution in violation of 15A NCAC 02L .0202 and 15A NCAC 02B, which are incorporated by reference, including subsequent amendments and editions;



# Rule 1502: Well Site Construction

- (a) The applicant or permittee shall submit a Well Site Development Plan to the Department pursuant to Rule .1304(c)(2) of this Subchapter. The Well Site Development Plan shall be signed and sealed by a North Carolina Professional Engineer and shall include the following information:
  - (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>;

# Rule 1502: Well Site Construction

## Cont.

- (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.
- (e) All topsoil shall be stockpiled for reuse during reclamation. Topsoil shall be segregated and stored separately from subsurface materials. Stockpiles shall be located and protected to minimize wind and water erosion in accordance with the North Carolina Erosion and Sediment Control Planning and Design Manual.
- (i) All erosion control or stormwater measures shall be maintained according to the approved Well Site Development Plan.

# Rule 1503: Access Road Construction

- (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."