

REQUEST FOR TECHNICAL CHANGE

AGENCY: Oil and Gas Commission

RULE CITATION: 15A NCAC 05C .0101

DEADLINE FOR RECEIPT: June 9, 2025

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

In (b), lines 10-11, add a comma after "geophysical" and after "gas."

On line 11, why is "which may or may not involve the use of explosives" necessary for this Rule?

In (c), line 13, which rules are being referred to in "these rules?"

In (i), line 24, spell out "TNT" to say "Trinitrotoluene (TNT)" the first time it's used in a rule.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Travis Wiggs
Commission Counsel
Date Submitted to Agency: May 23, 2025

1 15A NCAC 05C .0101 IS READOPTED AS PUBLISHED IN 39:12 NCR 763 AS FOLLOWS:

2
3 **SUBCHAPTER 5C - GEOPHYSICAL EXPLORATION**
4

5 **15A NCAC 05C .0101 DEFINITIONS**

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

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

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

14 (d) “Secretary” means Secretary of the Department of Environmental Quality.

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

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

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

23 (h) “Shooting component” means one explosive charge.

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

26
27 *History Note: Authority G.S. 113-391;*
28 *Eff. February 1, 1976;*
29 *Amended Eff. January 31, 1979;*
30 *Readopted Eff. August 1, 1982;*
31 *Amended Eff. April 1, 1990;*
32 *Readopted Eff. July 1, 2025.*
33
34

REQUEST FOR TECHNICAL CHANGE

AGENCY: Oil and Gas Commission

RULE CITATION: 15A NCAC 05C .0103

DEADLINE FOR RECEIPT: June 9, 2025

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

On lines 4 and 6, which rules are being referred to in "these rules?"

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Travis Wiggs
Commission Counsel
Date Submitted to Agency: May 23, 2025

1 15A NCAC 05C .0103 IS READOPTED AS PUBLISHED IN 39.12 NCR 763 AS FOLLOWS:

2
3 **15A NCAC 05C .0103 CORRESPONDENCE**

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

8
9 *History Note: Authority G.S. 113-391;*
10 *Eff. February 1, 1976;*
11 *Amended Eff. January 31, 1979;*
12 *Readopted Eff. August 1, 1982;*
13 *Amended Eff. April 1, 1990;*
14 *Readopted Eff. July 1, 2025.*
15
16
17

REQUEST FOR TECHNICAL CHANGE

AGENCY: Oil and Gas Commission

RULE CITATION: 15A NCAC 05C .0104

DEADLINE FOR RECEIPT: June 9, 2025

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

Which part of G.S. 113-391 allows your agency to delegate sole authority to the Secretary of the DEQ to "designate the extent of how much exploration work may be conducted?"

On line 7, which rules are being referred to in "these rules?"

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Travis Wiggs
Commission Counsel
Date Submitted to Agency: May 23, 2025

1 15A NCAC 05C .0104 IS READOPTED AS PUBLISHED IN 39:12 NCR 763 AS FOLLOWS:

2
3 **15A NCAC 05C .0104 SITE REGULATION**

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

8
9 *History Note: Authority G.S. 113-391;*
10 *Eff. February 1, 1976;*
11 *Amended Eff. January 31, 1979;*
12 *Readopted Eff. August 1, 1982;*
13 *Amended Eff. April 1, 1990;*
14 *Readopted Eff. July 1, 2025*
15
16
17

REQUEST FOR TECHNICAL CHANGE

AGENCY: Oil and Gas Commission

RULE CITATION: 15A NCAC 05C .0105

DEADLINE FOR RECEIPT: June 9, 2025

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

On line 4, which rules are being referred to in "these rules?"

On line 6, "carried out in such manner as may be approved by the Department" is unclear and ambiguous. Are you referring to compliance with all applicable laws, rules, and regulations? Please be specific as to what is required of the regulated public.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Travis Wiggs
Commission Counsel
Date Submitted to Agency: May 23, 2025

1 15A NCAC 05C .0105 IS READOPTED AS PUBLISHED IN 39:12 NCR 763 AS FOLLOWS:

2
3 **15A NCAC 05C .0105 PERMIT REQUIRED**

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

7
8 *History Note: Authority G.S. 113-391;*
9 *Eff. February 1, 1976;*
10 *Readopted Eff. August 1, 1982;*
11 *Readopted Eff. July 1, 2025.*
12
13
14

REQUEST FOR TECHNICAL CHANGE

AGENCY: Oil and Gas Commission

RULE CITATION: 15A NCAC 05C .0106

DEADLINE FOR RECEIPT: June 9, 2025

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

On line 4, please specify what "such" is referencing. Oil and gas exploration work? Or exploration work in a certain subchapter or section of the NCAC?

On line 7, is "geodetic" defined in a rule? If so, please cite the definition in this Rule.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Travis Wiggs
Commission Counsel
Date Submitted to Agency: May 23, 2025

1 15A NCAC 05C .0106 IS READOPTED AS PUBLISHED IN 39:12 NCR 763 AS FOLLOWS:

2
3 **15A NCAC 05C .0106 PERMIT APPLICATION**

4 Application for permits for such exploration work ~~must~~ shall be filed ~~in quadruplicate~~ with the ~~department~~ Department
5 at least ~~10 days~~ 30 business days before issuance of permits and ~~must~~ shall be accompanied by a detailed map showing
6 the exact area in which the geophysical operations are to be conducted, such area to be shown, where possible, by
7 reference to established ~~coast~~ objects or geodetic landmarks. ~~(The department may hereafter require applications to~~
8 ~~be filed on special forms to be provided by the department.)~~ Permittees will ~~shall~~ also obtain appropriate assent from
9 ~~the lessee if and where the area under investigation is leased, with exclusive exploration privilege, to other than the~~
10 ~~permittee.~~ If the applicant is not the owner of the land and owner of the mineral rights to be explored, the applicant
11 shall include the owner's written consent for the applicant to submit an exploration application to conduct exploration
12 activities.

13
14 *History Note: Authority G.S. 113-391;*
15 *Eff. February 1, 1976;*
16 *Readopted Eff. August 1, 1982;*
17 *Readopted Eff. July 1, 2025.*
18
19
20

REQUEST FOR TECHNICAL CHANGE

AGENCY: Oil and Gas Commission

RULE CITATION: 15A NCAC 05C .0107

DEADLINE FOR RECEIPT: June 9, 2025

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

On line 4, add "the" before "date" and replace "issue" with "issuance."

What factors, if any, are considered by the Department when deciding whether renewals should be approved or denied?

On lines 5-6, where can the public find the application to submit electronically? Does using "may" give discretion to applicants as to how to submit their applications?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Travis Wiggs
Commission Counsel
Date Submitted to Agency: May 23, 2025

1 15A NCAC 05C .0107 IS READOPTED AS PUBLISHED IN 39:12 NCR 763 AS FOLLOWS:

2
3 **15A NCAC 05C .0107 PERMIT DURATION**

4 Permits are limited to a period of six months from date of issue, but may be renewed for not more than two additional
5 90-day periods at the discretion of the Department. ~~secretary~~. Applications for each renewal may be submitted ~~made~~
6 electronically. ~~in letter form~~. After the expiration of a permit and any renewals thereof, work may continue or be
7 resumed under any new permit issued or application made as provided in Rule ~~0006~~ .0106 of this ~~Subchapter~~. Section.

8
9 *History Note: Authority G.S. 113-391;*
10 *Eff. February 1, 1976;*
11 *Readopted Eff. August 1, 1982;*
12 *Readopted Eff. July 1, 2025*
13
14
15

REQUEST FOR TECHNICAL CHANGE

AGENCY: Oil and Gas Commission

RULE CITATION: 15A NCAC 05C .0109

DEADLINE FOR RECEIPT: June 9, 2025

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

On line 4, which rules are being referred to in "these rules?"

On line 5, add "a" before "written."

On line 6, consider adding a comma after "crew."

On line 8, add "seismic" before "agent" for clarity.

On line 9, consider adding "physically" before "present."

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Travis Wiggs
Commission Counsel
Date Submitted to Agency: May 23, 2025

1 15A NCAC 05C .0109 IS READOPTED AS PUBLISHED IN 39:12 NCR 763 AS FOLLOWS:

2
3 **15A NCAC 05C .0109 SEISMIC AGENTS**

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

11
12 *History Note: Authority G.S. 113-391;*
13 *Eff. February 1, 1976;*
14 *Readopted Eff. August 1, 1982;*
15 *Readopted Eff. July 1, 2025.*
16
17
18

REQUEST FOR TECHNICAL CHANGE

AGENCY: Oil and Gas Commission

RULE CITATION: 15A NCAC 05C .0110

DEADLINE FOR RECEIPT: June 9, 2025

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

On line 5, consider adding "and filed with the Department" after "made."

On line 6, consider adding "working" before "day."

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Travis Wiggs
Commission Counsel
Date Submitted to Agency: May 23, 2025

1 15A NCAC 05C .0110 IS READOPTED AS PUBLISHED IN 39:12 NCR 763 AS FOLLOWS:

2
3 **15A NCAC 05C .0110 DAILY REPORT REQUIRED**

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

11
12 *History Note: Authority G.S. 113-391;*
13 *Eff. February 1, 1976;*
14 *Readopted Eff. August 1, 1982;*
15 *Readopted Eff. July 1, 2025.*
16
17
18

REQUEST FOR TECHNICAL CHANGE

AGENCY: Oil and Gas Commission

RULE CITATION: 15A NCAC 05C .0111

DEADLINE FOR RECEIPT: June 9, 2025

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

On line 5, consider adding "of work" after "beginning."

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Travis Wiggs
Commission Counsel
Date Submitted to Agency: May 23, 2025

1 15A NCAC 05C .0111 IS READOPTED AS PUBLISHED IN 39:12 NCR 763 AS FOLLOWS:

2
3 **15A NCAC 05C .0111 NOTIFICATION**

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

8
9 *History Note: Authority G.S. 113-391;*
10 *Eff. February 1, 1976;*
11 *Readopted Eff. August 1, 1982;*
12 *Readopted Eff. July 1, 2025.*
13
14
15

REQUEST FOR TECHNICAL CHANGE

AGENCY: Oil and Gas Commission

RULE CITATION: 15A NCAC 05C .0112

DEADLINE FOR RECEIPT: June 9, 2025

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

On line 4, consider adding "Explosive" to start the sentence and spell out "TNT" to say "Trinitrotoluene (TNT)."

On line 5, add "Requests to" before "use" and delete "of."

On line 7, add "the" before "charges."

On line 8, make "explosive" plural.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Travis Wiggs
Commission Counsel
Date Submitted to Agency: May 23, 2025

1 15A NCAC 05C .0112 IS READOPTED AS PUBLISHED IN 39:12 NCR 763 AS FOLLOWS:

2
3 **15A NCAC 05C .0112 SIZE OF EXPLOSIVE CHARGES**

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

10
11 *History Note: Authority G.S. 113-391;*
12 *Eff. February 1, 1976;*
13 *Readopted Eff. August 1, 1982;*
14 *Readopted Eff. July 1, 2025.*
15
16
17

REQUEST FOR TECHNICAL CHANGE

AGENCY: Oil and Gas Commission

RULE CITATION: 15A NCAC 05C .0113

DEADLINE FOR RECEIPT: June 9, 2025

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

On lines 4-5, which rules are being referred to in "these rules?"

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Travis Wiggs
Commission Counsel
Date Submitted to Agency: May 23, 2025

1 15A NCAC 05C .0113 IS READOPTED AS PUBLISHED IN 39:12 NCR 763 AS FOLLOWS:

2
3 **15A NCAC 05C .0113 PLACING OF CHARGES**

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

8
9 *History Note: Authority G.S. 113-391;*
10 *Eff. February 1, 1976;*
11 *Readopted Eff. August 1, 1982;*
12 *Readopted Eff. July 1, 2025.*
13
14
15

REQUEST FOR TECHNICAL CHANGE

AGENCY: Oil and Gas Commission

RULE CITATION: 15A NCAC 05C .0115

DEADLINE FOR RECEIPT: June 9, 2025

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

On line 5, consider adding "of the water" after "bottom."

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Travis Wiggs
Commission Counsel
Date Submitted to Agency: May 23, 2025

1 15A NCAC 05C .0115 IS READOPTED AS PUBLISHED IN 39:12 NCR 763 AS FOLLOWS:

2
3 **15A NCAC 05C .0115 REMOVAL**

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

7
8 *History Note: Authority G.S. 113-391;*
9 *Eff. February 1, 1976;*
10 *Readopted Eff. August 1, 1982;*
11 *Readopted Eff. July 1, 2025.*
12
13
14

REQUEST FOR TECHNICAL CHANGE

AGENCY: Oil and Gas Commission

RULE CITATION: 15A NCAC 05C .0119

DEADLINE FOR RECEIPT: June 9, 2025

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

On lines 4 and 7, consider adding "of explosives" after "shooting."

On line 6, consider adding "after the spout is first noticed" after "24 hours."

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Travis Wiggs
Commission Counsel
Date Submitted to Agency: May 23, 2025

1 15A NCAC 05C .0119 IS READOPTED AS PUBLISHED IN 39:12 NCR 763 AS FOLLOWS:

2
3 **15A NCAC 05C .0119 SHOOTING**

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

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

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

10
11 *History Note: Authority G.S. 113-391;*

12 *Eff. February 1, 1976;*

13 *Readopted Eff. August 1, 1982;*

14 *Readopted Eff. July 1, 2025.*
15
16
17

REQUEST FOR TECHNICAL CHANGE

AGENCY: Oil and Gas Commission

RULE CITATION: 15A NCAC 05C .0120

DEADLINE FOR RECEIPT: June 9, 2025

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

On line 4, consider adding "explosive" before "charges."

On line 6, spell out "TNT" to say "Trinitrotoluene (TNT)."

In (b), is there a rule or guidance available to the regulated public on how to prevent cratering? Also, is "cratering" defined in another rule or law? If so, please provide the citation.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Travis Wiggs
Commission Counsel
Date Submitted to Agency: May 23, 2025

1 15A NCAC 05C .0120 IS READOPTED AS PUBLISHED IN 39:12 NCR 763 AS FOLLOWS:

2
3 **15A NCAC 05C .0120 MINIMUM DEPTHS**

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

- 6 (1) five pounds or less of TNT or its equivalent; 20 feet below the bottom,
7 (2) up to 20 pounds of TNT or its equivalent; 40 feet below the bottom,
8 (3) up to 30 pounds of TNT or its equivalent; 50 feet below the bottom,
9 (4) up to 40 pounds of TNT or its equivalent; 60 feet below the bottom,
10 (5) up to 50 pounds of TNT or its equivalent; 70 feet below the bottom.

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

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

16
17 *History Note: Authority G.S. 113-391;*
18 *Eff. February 1, 1976;*
19 *Readopted Eff. August 1, 1982;*
20 *Readopted Eff. July 1, 2025.*
21
22
23

REQUEST FOR TECHNICAL CHANGE

AGENCY: Oil and Gas Commission

RULE CITATION: 15A NCAC 05C .0121

DEADLINE FOR RECEIPT: June 9, 2025

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

On line 5, what is "legal depth" and how is it measured?

In (d), line 13, add a comma after "causeway". On line 14, add "and" before "approved."

In (e), lines 21-22, consider rephrasing this sentence to say, "Boats, marsh buggies, or other types of marsh vehicles shall be used to cause minimum disturbance to lands, waterbottoms, wildlife, and fisheries thereon." What does "minimum disturbance of an injury" mean?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Travis Wiggs
Commission Counsel
Date Submitted to Agency: May 23, 2025

1 15A NCAC 05C .0121 IS READOPTED AS PUBLISHED IN 39:12 NCR AS FOLLOWS:

2
3 **15A NCAC 05C .0121 DETAILED PROVISIONS**

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

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

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

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

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

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

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

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

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

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

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

31
32 *History Note: Authority G.S. 113-391;*
33 *Eff. February 1, 1976;*
34 *Readopted Eff. August 1, 1982;*
35 *Readopted Eff. July 1, 2025.*
36
37
38

REQUEST FOR TECHNICAL CHANGE

AGENCY: Oil and Gas Commission

RULE CITATION: 15A NCAC 05C .0123

DEADLINE FOR RECEIPT: June 9, 2025

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

On line 4, consider replacing "right" with "authority."

On line 5, consider adding "allowed by the associated permit" after "work."

On line 6, consider rephrasing to say, "If the rules in this Subchapter continue to be violated, the seismic agent shall..."

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Travis Wiggs
Commission Counsel
Date Submitted to Agency: May 23, 2025

1 15A NCAC 05C .0123 IS READOPTED AS PUBLISHED IN 39:12 NCR 763 AS FOLLOWS:

2
3 **15A NCAC 05C .0123 POWERS OF SEISMIC AGENTS**

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

8
9 *History Note: Authority G.S. 113-391;*
10 *Eff. February 1, 1976;*
11 *Readopted Eff. August 1, 1982;*
12 *Readopted Eff. July 1, 2025.*
13
14
15

REQUEST FOR TECHNICAL CHANGE

AGENCY: Oil and Gas Commission

RULE CITATION: 15A NCAC 05C .0125

DEADLINE FOR RECEIPT: June 9, 2025

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

On line 4, consider replacing "right" with "authority." Also, on lines 4-5, which rules are being referred to in "these rules?" Please be specific.

On line 4, make "permittee" plural.

On lines 5-7, what factors, if any, are considered by the Department when deciding whether exceptions may be granted?

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Travis Wiggs
Commission Counsel
Date Submitted to Agency: May 23, 2025

1 15A NCAC 05C .0125 IS READOPTED AS PUBLISHED IN 39:12 NCR 763 AS FOLLOWS:

2
3 **15A NCAC 05C .0125 RELEASE FROM THESE REGULATIONS**

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

8
9 *History Note: Authority G.S. 113-391;*
10 *Eff. February 1, 1976;*
11 *Readopted Eff. August 1, 1982;*
12 *Readopted Eff. July 1, 2025.*
13
14
15

REQUEST FOR TECHNICAL CHANGE

AGENCY: Oil and Gas Commission

RULE CITATION: 15A NCAC 05C .0126

DEADLINE FOR RECEIPT: June 9, 2025

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may call our office to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following technical changes be made:

On lines 4-5, what "approved and accepted methods" are being referred to? Please cite where the methods can be found or provide examples of said methods.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Travis Wiggs
Commission Counsel
Date Submitted to Agency: May 23, 2025

1 15A NCAC 05C .0126 IS READOPTED AS PUBLISHED IN 39:12 NCR 763 AS FOLLOWS:

2
3 **15A NCAC 05C .0126 DUTIES OF OPERATORS**

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

7
8 *History Note: Authority G.S. 113-391;*
9 *Eff. February 1, 1976;*
10 *Readopted Eff. August 1, 1982;*
11 *Readopted Eff. July 1, 2025.*
12
13