

Burgos, Alexander N

Subject: FW: June 2025 RRC Meeting (15A NCAC 05C)

From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Monday, June 23, 2025 11:37 AM
To: Everett, Jennifer <jennifer.everett@deq.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Wright, Alyssa N <Alyssa.Wright@deq.nc.gov>; Chapman, Jim <james.chapman@deq.nc.gov>; Zambon, Sarah <szambon@ncdoj.gov>
Subject: RE: June 2025 RRC Meeting (15A NCAC 05C)

Thank you for the quick reply.

Alex, please put this final version of .0103 on the agenda.

Thanks,

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

From: Everett, Jennifer <jennifer.everett@deq.nc.gov>
Sent: Monday, June 23, 2025 11:34 AM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Wright, Alyssa N <Alyssa.Wright@deq.nc.gov>; Chapman, Jim <james.chapman@deq.nc.gov>; Zambon, Sarah <szambon@ncdoj.gov>
Subject: RE: June 2025 RRC Meeting (15A NCAC 05C)

Mr. Wiggs,

Attached is the revised .0103 rule which includes the agency's complete mailing address.

Best,

Jennifer Everett
DEQ Rulemaking Coordinator
N.C. Depart. Of Environmental Quality
Office of General Counsel
1601 Mail Service Center
Raleigh, NC 27699-1601
Tele: (919)-707-8595
<https://deq.nc.gov/permits-rules/rules-regulations/deq-proposed-rules>

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties.

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~~ this Subchapter shall be addressed to "North
5 Carolina Department of ~~Environment, Health, and Natural Resources, Environmental Quality~~ Quality, 1612 Mail
6 Service Center ~~in~~ Raleigh, ~~N.C."~~ N.C. 27699-1612" unless ~~from time to time~~ parties subject to ~~these rules~~ this
7 Subchapter shall be notified in writing by the ~~department~~ Department to direct communications to a specified division
8 or a specified representative of the ~~department~~ Department.

9
10 *History Note: Authority G.S. 113-391;*
11 *Eff. February 1, 1976;*
12 *Amended Eff. January 31, 1979;*
13 *Readopted Eff. August 1, 1982;*
14 *Amended Eff. April 1, 1990;*
15 *Readopted Eff. July 1, 2025.*
16
17
18

Burgos, Alexander N

Subject: FW: June 2025 RRC Meeting (15A NCAC 05C)

From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Sent: Monday, June 23, 2025 9:21 AM
To: Everett, Jennifer <jennifer.everett@deq.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: June 2025 RRC Meeting (15A NCAC 05C)

Good morning,

One of the RRC commissioners has contacted me about making a change to 15A NCAC 05C .0103. He asked: "Shouldn't the complete address be listed, i.e. mail service center, Post Office Box, and zip code?"

Will you please add the complete address where the correspondence shall be sent to the end of line 5?

Please reply as soon as possible. Thank you.

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

Burgos, Alexander N

Subject: FW: June 2025 RRC Meeting (15A NCAC 05C)
Attachments: 15A NCAC 05C .0101.docx; 15A NCAC 05C .0103.docx; 15A NCAC 05C .0104.docx; 15A NCAC 05C .0105.docx; 15A NCAC 05C .0106.docx; 15A NCAC 05C .0107.docx; 15A NCAC 05C .0108.docx; 15A NCAC 05C .0109.docx; 15A NCAC 05C .0110.docx; 15A NCAC 05C .0111.docx; 15A NCAC 05C .0112.docx; 15A NCAC 05C .0113.docx; 15A NCAC 05C .0115.docx; 15A NCAC 05C .0116.docx; 15A NCAC 05C .0117.docx; 15A NCAC 05C .0118.docx; 15A NCAC 05C .0119.docx; 15A NCAC 05C .0120.docx; 15A NCAC 05C .0121.docx; 15A NCAC 05C .0123.docx; 15A NCAC 05C .0124.docx; 15A NCAC 05C .0125.docx; 15A NCAC 05C .0126.docx

From: Everett, Jennifer <jennifer.everett@deq.nc.gov>
Sent: Thursday, June 19, 2025 12:14 PM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Wright, Alyssa N <Alyssa.Wright@deq.nc.gov>; Zambon, Sarah <szambon@ncdoj.gov>; Chapman, Jim <james.chapman@deq.nc.gov>; Young, Elizabeth S <esyoung@ncdoj.gov>
Subject: RE: June 2025 RRC Meeting (15A NCAC 05C)

All final revised rules attached for 15A NCAC 05C.

Jennifer Everett
DEQ Rulemaking Coordinator
N.C. Depart. Of Environmental Quality
Office of General Counsel
1601 Mail Service Center
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Burgos, Alexander N

Subject: FW: June 2025 RRC Meeting (15A NCAC 05C)
Attachments: 15A NCAC 05C .0101.docx; 15A NCAC 05C .0103.docx; 15A NCAC 05C .0104.docx; 15A NCAC 05C .0105.docx; 15A NCAC 05C .0106_rev20250617.docx; 15A NCAC 05C .0107_FINAL.docx; 15A NCAC 05C .0108.docx; 15A NCAC 05C .0109.docx; 15A NCAC 05C .0110.docx; 15A NCAC 05C .0111.docx; 15A NCAC 05C .0112.docx; 15A NCAC 05C .0113.docx; 15A NCAC 05C .0115.docx; 15A NCAC 05C .0116.docx; 15A NCAC 05C .0117.docx; 15A NCAC 05C .0118.docx; 15A NCAC 05C .0119_6_13.docx; 15A NCAC 05C .0120.docx; 15A NCAC 05C .0121.docx; 15A NCAC 05C .0123.docx; 15A NCAC 05C .0124.docx; 15A NCAC 05C .0125_6_13.docx; 15A NCAC 05C .0126.docx

From: Everett, Jennifer <jennifer.everett@deq.nc.gov>
Sent: Wednesday, June 18, 2025 5:15 PM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Wright, Alyssa N <Alyssa.Wright@deq.nc.gov>; Zambon, Sarah <szambon@ncdoj.gov>; Chapman, Jim <james.chapman@deq.nc.gov>; Young, Elizabeth S <esyoung@ncdoj.gov>
Subject: RE: June 2025 RRC Meeting (15A NCAC 05C)

Hi Travis,

Attached are the rewritten revised final rules for 15A NCAC 05C.

Thanks!

Jennifer Everett
DEQ Rulemaking Coordinator
N.C. Depart. Of Environmental Quality
Office of General Counsel
1601 Mail Service Center
Raleigh, NC 27699-1601Tele: (919)-707-8595
<https://deq.nc.gov/permits-rules/rules-regulations/deq-proposed-rules>

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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~~ geophysical, and other surveys and investigations, including seismic methods for the
11 discovery and location of oil, ~~gas~~ gas, or other mineral ~~prospects,~~ prospects, ~~and which may or may not involve the~~
12 ~~use of explosives.~~

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

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

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

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

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

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

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

28
29 *History Note: Authority G.S. 113-391;*
30 *Eff. February 1, 1976;*
31 *Amended Eff. January 31, 1979;*
32 *Readopted Eff. August 1, 1982;*
33 *Amended Eff. April 1, 1990;*
34 *Readopted Eff. July 1, 2025.*
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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~~ **this Subchapter** shall be addressed to "North
5 Carolina Department of ~~Environment, Health, and Natural Resources~~, Environmental Quality" in Raleigh, N.C."
6 unless ~~from time to time~~ parties subject to ~~these rules~~ **this Subchapter** shall be notified in writing by the ~~department~~
7 Department to direct communications to a specified division or a specified representative of the ~~department~~
8 Department.

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

9
10 *History Note: Authority G.S. 113-391;*
11 *Eff. February 1, 1976;*
12 *Amended Eff. January 31, 1979;*
13 *Readopted Eff. August 1, 1982;*
14 *Amended Eff. April 1, 1990;*
15 *Readopted Eff. July 1, 2025*
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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 ~~this Subchapter~~ are is applicable. applicable. No such seismic work shall be started without a permit and all such work
6 ~~must shall~~ be carried out in ~~such manner as may be approved by [the Department.] said secretary.~~ compliance with all
7 applicable laws, rules, and regulations.

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.*
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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~~ **geophysical** exploration work ~~must~~ shall be filed **electronically or in paper form** ~~in~~
5 ~~quadruplicate~~ with the ~~department~~ Department at least ~~10 days~~ 30 business days before issuance of permits and ~~must~~
6 shall be accompanied by a detailed map showing the exact area in which the geophysical operations are to be
7 conducted, such area to be shown, where possible, by reference to established ~~coast~~ objects or **geodetic** **permanent**
8 landmarks. ~~(The department may hereafter require applications to be filed on special forms to be provided by the~~
9 ~~department.) Permittees will shall also obtain appropriate assent from the lessee if and where the area under~~
10 ~~investigation is leased, with exclusive exploration privilege, to other than the permittee. If the applicant is not the~~
11 ~~owner of the land and owner of the mineral rights to be explored, the applicant shall include the owner's written~~
12 consent for the applicant to submit an exploration application to conduct exploration 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.*
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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 the date of ~~[issue,]~~ issuance, but may be renewed for not more than
5 two additional 90-day periods at the discretion of the Department. ~~secretary.~~ The Department will consider factors
6 including compliance with the original permit; updated environmental impact information, new impacts to public
7 safety and infrastructure, changes to local or regional land use, and renewed bonding and financial assurances.
8 Applications for each renewal ~~may~~ shall be submitted ~~made~~ ~~[electronically.]~~ electronically or in paper form. ~~in letter~~
9 ~~form.~~ Applications can be found on the Department's website at [https://www.deq.nc.gov/energy-climate/oil-and-gas-](https://www.deq.nc.gov/energy-climate/oil-and-gas-program/oil-and-gas-program-forms)
10 program/oil-and-gas-program-forms. After the expiration of a permit and any renewals thereof, work may continue
11 or be resumed under any new permit issued or application made as provided in Rule ~~.0006~~ .0106 of this ~~Subchapter.~~
12 Section.

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*
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1 15A NCAC 05C .0108 IS READOPTED AS PUBLISHED IN 39:12 NCR 763 AS FOLLOWS:

2
3 **15A NCAC 05C .0108 GEOGRAPHIC LIMITS ON WORK**

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

6
7 *History Note: Authority G.S. 113-391;*
8 *Eff. February 1, 1976;*
9 *Readopted Eff. August 1, 1982;*
10 *Readopted Eff. July 1, 2025.*
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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~~ **this Subchapter** ~~will~~ **shall** always
5 be accompanied by a seismic agent, unless **a** written exception has been granted by the Department. ~~secretary. When~~
6 If a geophysical company crew employs more than one shooting component or more than one seismic vibration **[crew]**
7 **crew, unit** and the operations units are at such a distance apart that it is impossible for the seismic agent to travel from
8 one to the other in time to observe the shots of each crew, ~~it will be required that~~ **[an] a seismic** agent shall be assigned
9 to each geophysical shooting component of the crew. ~~crew~~. The seismic agent shall be **physically** present for each shot
10 and each use of the seismic vibrator method. ~~will be constantly present during the shooting operations of the party to~~
11 ~~which he is assigned.~~

12
13 *History Note: Authority G.S. 113-391;*
14 *Eff. February 1, 1976;*
15 *Readopted Eff. August 1, 1982;*
16 *Readopted Eff. July 1, 2025.*
17
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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 ~~and~~
6 ~~filed with the Department~~ for each ~~working~~ day whether or not ~~data acquisition shooting~~ is in progress. ~~These reports~~
7 ~~must furnish complete information as indicated on the report form and must be signed by the party chief and by the~~
8 ~~seismic agent. The party chief will furnish only such information to the seismic agent as is required to fill out the~~
9 ~~daily reports. Should the department wish to secure any other information, it will furnish the party chief with a written~~
10 ~~request. The Department may request 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
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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,~~ beginning of work, and shall give notice of interruption, and of cessation of
6 work in any ~~area,~~ area, and shall keep the department informed of name and address of party chief, and location and
7 ~~movements of the 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
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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~~ Explosive charges in excess of 50 pounds of ~~[TNT]~~ Trinitrotoluene (TNT) or its equivalent shall not be used
5 except pursuant to written authorization from the ~~Department.~~ department. Requests shall be submitted with the
6 permit application to the Department. ~~for the use~~ [Use of] Requests to use such charges ~~must~~ shall be made in writing,
7 giving the reasons why such charges are needed, the size of the charges to be used, and the depth at which they are to
8 be suspended or buried. ~~Such requests should be addressed to the department.~~ Should multiple charges be used, the
9 total amount of ~~explosive~~ explosives should not exceed 50 pounds of TNT or its equivalent without ~~special~~ permission
10 from the ~~Department.~~ department.

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.*
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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~~ this Subchapter is ~~prohibited.~~ prohibited. ~~No undetonated charges shall be left.~~ No such charges should be
6 detonated that are less than five feet to the bottom. ~~nearer to the bottom or water bed than five feet.~~ No undetonated
7 charges shall be left 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.*
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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 of the water body ~~or water bed~~ ~~(and and~~ in charted navigable channels, ~~at least~~ eight feet below
6 charted dredge ~~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.*
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1 15A NCAC 05C .0116 IS READOPTED AS PUBLISHED IN 39:12 NCR 763 AS FOLLOWS:

2
3 **15A NCAC 05C .0116 IDENTIFICATION**

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

6
7 *History Note: Authority G.S. 113-391;*
8 *Eff. February 1, 1976;*
9 *Readopted Eff. August 1, 1982;*
10 *Readopted Eff. July 1, 2025.*
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1 15A NCAC 05C .0117 IS READOPTED AS PUBLISHED IN 39:12 AS FOLLOWS:

2
3 **15A NCAC 05C .0117 PIPES AND BUOYS**

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

6
7 *History Note: Authority G.S. 113-391;*
8 *Eff. February 1, 1976;*
9 *Readopted Eff. August 1, 1982;*
10 *Readopted Eff. July 1, 2025.*
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1 15A NCAC 05C .0118 IS READOPTED AS PUBLISHED IN 39:12 NCR 763 AS FOLLOWS:

2
3 **15A NCAC 05C .0118 EXPLOSIVES**

4 No explosives shall be discharged within 1,000 feet of a fishing boat operating in the waters, water without notice
5 being given to such boat so that it may move from the area. ~~Before any shot is discharged the exploration party shall~~
6 ~~employ methods approved by the industry to frighten or drive away the fish and/or marine life which may be in the~~
7 ~~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~~
8 ~~be suspended in that particular area until said school or schools of fish have been driven away.~~

9
10 *History Note: Authority G.S. 113-391;*
11 *Eff. February 1, 1976;*
12 *Readopted Eff. August 1, 1982;*
13 *Readopted Eff. July 1, 2025.*
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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 shot~~ ~~[will]~~ shall be allowed except in daylight hours. Shot is defined in 15A NCAC 05C .0101(i).
5 ~~hours so that the seismic agent may observe the results of each shot, except that, in the discretion of the department~~
6 ~~and on written request stating the reasons therefor special written permission may be granted for night shooting.~~

7 (b) No ~~shooting shot~~ ~~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.]~~ hours after the spout is first noticed. ~~will be stopped by permittee as~~
10 ~~soon as possible after they occur.~~

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.*
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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 **explosive** charges detonated in holes below the bottom ~~or bed of the inland or~~
5 ~~offshore waters~~ water within the jurisdiction of this ~~state~~ State shall be as follows:

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

12 (b) ~~No part of the charge shall be above the minimum required depth.~~ Irrespective of the minimum depths specified
13 in Paragraph (a) of this Rule, all **charges operators** shall **be use responsible precautions per 15A NCAC .0126 to ensure**
14 **charges have been** detonated at sufficient depths to prevent ~~cratering.~~ **the creation of craters.**

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

18
19 *History Note: Authority G.S. 113-391;*
20 *Eff. February 1, 1976;*
21 *Readopted Eff. August 1, 1982;*
22 *Readopted Eff. July 1, 2025.*
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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 minimum required
6 depths of the ~~hole~~ hole, as defined in 15A NCAC 05C .0120(a), ~~after the shot is fired, the hole will be measured for~~
7 ~~depth every shot is fired. before reloading to ascertain that it is the required depth in accordance with the table of~~
8 ~~charges and depth.~~

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

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

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

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

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

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

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

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

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

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

33
34 *History Note: Authority G.S. 113-391;*

35 *Eff. February 1, 1976;*

36 *Readopted Eff. August 1, 1982;*

37 *Readopted Eff. July 1, 2025.*

1
2

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

9
10 *History Note: Authority G.S. 113-391;*
11 *Eff. February 1, 1976;*
12 *Readopted Eff. August 1, 1982;*
13 *Readopted Eff. July 1, 2025.*
14
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1 15A NCAC 05C .0124 IS READOPTED AS PUBLISHED IN 39:12 NCR 763 AS FOLLOWS:

2
3 **15A NCAC 05C .0124 DUTIES OF PARTY CHIEF**

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

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

9
10 *History Note: Authority G.S. 113-391;*
11 *Eff. February 1, 1976;*
12 *Readopted Eff. August 1, 1982;*
13 *Readopted Eff. July 1, 2025.*
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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 authority to release any operator from the obligations imposed by [these rules.]
5 this Subchapter. Permittee Permittees may request an exception to these rules Rules in writing by setting forth
6 reasons for the request. Exceptions may be granted by the ~~department~~ Department ~~only, after written application~~
7 ~~setting forth reasons for exception.~~ The release and will shall designate the particular area and rule affected and the
8 procedure to be followed in lieu of the established rule. Exceptions may be granted based on the circumstances
9 provided by the Permittee for the requested change, the significance of the rule to the given project, and the availability
10 and viability of an alternative procedure presented by the Permittee in lieu of the established rule.

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
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18

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

Burgos, Alexander N

Subject: FW: June 2025 RRC Meeting (15A NCAC 05C)

From: Everett, Jennifer <jennifer.everett@deq.nc.gov>

Sent: Wednesday, June 18, 2025 3:40 PM

To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Wright, Alyssa N <Alyssa.Wright@deq.nc.gov>; Zambon, Sarah <szambon@ncdoj.gov>; Chapman, Jim <james.chapman@deq.nc.gov>

Subject: RE: June 2025 RRC Meeting (15A NCAC 05C)

Got it, will do here this afternoon. Thanks!

Jennifer Everett
DEQ Rulemaking Coordinator
N.C. Depart. Of Environmental Quality
Office of General Counsel
1601 Mail Service Center
Raleigh, NC 27699-1601
Tele: (919)-707-8595
<https://deq.nc.gov/permits-rules/rules-regulations/deq-proposed-rules>

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties.

Burgos, Alexander N

Subject: FW: June 2025 RRC Meeting (15A NCAC 05C)

From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>

Sent: Wednesday, June 18, 2025 1:09 PM

To: Everett, Jennifer <jennifer.everett@deq.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Wright, Alyssa N <Alyssa.Wright@deq.nc.gov>; Zambon, Sarah <szambon@ncdoj.gov>; Chapman, Jim <james.chapman@deq.nc.gov>

Subject: RE: June 2025 RRC Meeting (15A NCAC 05C)

Jennifer,

Thank you for the responses and changes. Please send me the revised versions of all the rules for a final review.

Thanks,

Travis C. Wiggs

Rules Review Commission Counsel

Office of Administrative Hearings

Telephone: 984-236-1929

Email: travis.wiggs@oah.nc.gov

Burgos, Alexander N

Subject: FW: June 2025 RRC Meeting (15A NCAC 05C)
Attachments: 15A NCAC 05C .0106_rev20250617.docx; 15A NCAC 05C .0107_rev20250617.docx; 15A NCAC 05C .0119_6_13.docx; 15A NCAC 05C .0125_6_13.docx

From: Everett, Jennifer <jennifer.everett@deq.nc.gov>
Sent: Tuesday, June 17, 2025 3:38 PM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Wright, Alyssa N <Alyssa.Wright@deq.nc.gov>; Zambon, Sarah <szambon@ncdoj.gov>; Chapman, Jim <james.chapman@deq.nc.gov>
Subject: FW: June 2025 RRC Meeting (15A NCAC 05C)

Hi Travis,

Agency response: Thank you for following up. We apologize for the confusion. You are correct, we did not specify in 05C .0106 that permit applications needed to be filed electronically. We revised .0106 and .0107 to clarify that either electronic or paper submission of the permit application or permit renewal would be acceptable and for consistency between the two rules.

Let us know if you need anything further.
Thank you!

Jennifer Everett
DEQ Rulemaking Coordinator
N.C. Depart. Of Environmental Quality
Office of General Counsel
1601 Mail Service Center
Raleigh, NC 27699-1601
Tele: (919)-707-8595
<https://deq.nc.gov/permits-rules/rules-regulations/deq-proposed-rules>

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties.

ate official.

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~~ **geophysical** exploration work ~~must~~ shall be filed **electronically or in paper form** ~~in~~
5 ~~quadruplicate~~ with the ~~department~~ Department at least ~~10 days~~ 30 business days before issuance of permits and ~~must~~
6 shall be accompanied by a detailed map showing the exact area in which the geophysical operations are to be
7 conducted, such area to be shown, where possible, by reference to established ~~coast~~ objects or **geodetic** **permanent**
8 landmarks. ~~(The department may hereafter require applications to be filed on special forms to be provided by the~~
9 ~~department.) Permittees will shall also obtain appropriate assent from the lessee if and where the area under~~
10 ~~investigation is leased, with exclusive exploration privilege, to other than the permittee. If the applicant is not the~~
11 owner of the land and owner of the mineral rights to be explored, the applicant shall include the owner's written
12 consent for the applicant to submit an exploration application to conduct exploration 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.*
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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 the date of ~~issue,~~ issuance, but may be renewed for not more than
5 two additional 90-day periods at the discretion of the Department, ~~secretary.~~ Applications for each renewal ~~may~~ shall
6 be submitted ~~made~~ electronically, electronically or in paper form, ~~in letter form.~~ After the expiration of a permit and
7 any renewals thereof, work may continue or be resumed under any new permit issued or application made as provided
8 in Rule ~~0006~~ .0106 of this ~~Subchapter,~~ Section.

9
10 *History Note: Authority G.S. 113-391;*
11 *Eff. February 1, 1976;*
12 *Readopted Eff. August 1, 1982;*
13 *Readopted Eff. July 1, 2025*
14
15
16

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 shot~~ ~~[will]~~ shall be allowed except in daylight hours. Shot is defined in 15A NCAC 05C .0101(i).
5 ~~hours so that the seismic agent may observe the results of each shot, except that, in the discretion of the department~~
6 ~~and on written request stating the reasons therefor special written permission may be granted for night shooting.~~

7 (b) No ~~shooting shot~~ ~~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.]~~ hours after the spout is first noticed. ~~will be stopped by permittee as~~
10 ~~soon as possible after they occur.~~

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
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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 authority to release any operator from the obligations imposed by [these rules.]
5 this Subchapter. [Permittee] Permittees may request an exception to these [rules] Rules in writing by setting forth
6 reasons for the request. Exceptions may be granted by the ~~department~~ Department ~~only, after written application~~
7 ~~setting forth reasons for exception.~~ The release and will shall designate the particular area and rule affected and the
8 procedure to be followed in lieu of the established rule. Exceptions may be granted based on the circumstances
9 provided by the Permittee for the requested change, the significance of the rule to the given project, and the availability
10 and viability of an alternative procedure presented by the Permittee in lieu of the established rule.

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

Burgos, Alexander N

Subject: FW: June 2025 RRC Meeting (15A NCAC 05C)
Attachments: 15A NCAC 05C .0107_rev20250612.docx; 15A NCAC 05C .0119_rev20250612.docx; 15A NCAC 05C .0125_rev20250612.docx

From: Everett, Jennifer <jennifer.everett@deq.nc.gov>
Sent: Thursday, June 12, 2025 2:19 PM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Zambon, Sarah <szambon@ncdoj.gov>; Wright, Alyssa N <Alyssa.Wright@deq.nc.gov>; Chapman, Jim <james.chapman@deq.nc.gov>
Subject: FW: June 2025 RRC Meeting (15A NCAC 05C)

Hi Travis,

Attached please find revised versions of 15A NCAC 05C .0107, .0119, and .0125. Below in **purple** are agency responses to your additional comments.

Thank you!

Jennifer Everett
DEQ Rulemaking Coordinator
N.C. Depart. Of Environmental Quality
Office of General Counsel
1601 Mail Service Center
Raleigh, NC 27699-1601
Tele: (919)-707-8595
<https://deq.nc.gov/permits-rules/rules-regulations/deq-proposed-rules>

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties.

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 the date of ~~[issue,]~~ issuance, but may be renewed for not more than
5 two additional 90-day periods at the discretion of the Department. ~~secretary.~~ The Department will consider factors
6 including compliance with the original permit; updated environmental impact information, new impacts to public
7 safety and infrastructure, changes to local or regional land use, and renewed bonding and financial assurances.
8 Applications for each renewal may be submitted ~~made~~ electronically. ~~in letter form.~~ Applications can be found on the
9 Department's website at <https://www.deq.nc.gov/energy-climate/oil-and-gas-program/oil-and-gas-program-forms>.
10 After the expiration of a permit and any renewals thereof, work may continue or be resumed under any new permit
11 issued or application made as provided in Rule ~~.0006~~ .0106 of this ~~Subchapter.~~ Section.

12
13 *History Note: Authority G.S. 113-391;*
14 *Eff. February 1, 1976;*
15 *Readopted Eff. August 1, 1982;*
16 *Readopted Eff. July 1, 2025*
17
18
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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 shots as defined by 15A NCAC 05C .0101(i)** will be allowed except in daylight hours. ~~hours so that~~
5 ~~the seismic agent may observe the results of each shot, except that, in the discretion of the department and on written~~
6 ~~request stating the reasons therefor special written permission may be granted for night shooting.~~

7 (b) No **shooting shots as defined by 15A NCAC 05C .0101(i)** ~~will~~ shall be allowed in heavy fog. ~~fog due to danger~~
8 ~~to boats in close proximity.~~

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

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

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 authority to release any operator from the obligations imposed by these rules.
5 this Subchapter. Permittee Permittees may request an exception to these rules in writing by setting forth reasons for
6 the request. Exceptions may be granted by the ~~department~~ Department ~~only, after written application setting forth~~
7 ~~reasons for exception.~~ The release and will shall designate the particular area and rule affected and the procedure to
8 be followed in lieu of the established rule. Exceptions may be granted based on the circumstances provided by the
9 permittee for the requested change, the significance of the rule to the given project, and the availability and viability
10 of an alternative procedure presented by the permittee in lieu of the established rule.

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

Burgos, Alexander N

Subject: FW: June 2025 RRC Meeting

From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>

Sent: Thursday, June 5, 2025 3:56 PM

To: Everett, Jennifer <jennifer.everett@deq.nc.gov>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Wright, Alyssa N <Alyssa.Wright@deq.nc.gov>; Zambon, Sarah <szambon@ncdoj.gov>; Chapman, Jim <james.chapman@deq.nc.gov>

Subject: RE: June 2025 RRC Meeting

Hello Ms. Everett,

Thank you for the changes and responses. Please see my further requests in blue below.

15A NCAC 05C .0107

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

Agency Response: The Department will consider factors including compliance with original permit; updated environmental impact information, new impacts to public safety and infrastructure, changes to local or regional land use, and renewed bonding and financial assurances. The information reviewed for a permit renewal is intended ensure compliance with existing permit and to make sure nothing of note has changed in the area surrounding the project that would increase impacts to public or private property or public safety.

Please incorporate the factors you cited above into this Rule for clarity of the regulated public. I recommend inserting the factors after “Department” (line 5).

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?

Agency Response: The public can contact the Department to get copies of submitted applications in compliance with N.C. Public Records law. In accordance with 15A NCAC 05C .0106, original permit applications must be submitted electronically. Permit renewals can be submitted electronically or via paper application at the applicant’s discretion.

Where can the regulated public find the electronic application to fill out and submit it? Please cite the location on your website or instructions on how the application can be obtained. I don’t see in 15A 05C .0106 where original permit application must be submitted electronically and permit renewals can be submitted either way. Please cite the correct rule or insert the filing requirements into this Rule. Also, on line 7, replace “made” with “submitted” for consistency.

15A NCAC 05C .0119

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

Agency Response: We have made the change to replace “shooting” with “shot.” “Shot” is defined in 15A NCAC 05C .0101(i).

Please insert 15A NCAC 05C .0101(i) into this Rule for clarity.

15A NCAC 05C .0125

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

Agency Response: Exceptions may be granted based on the circumstances provided by the Permittee for the requested change, the significance of the rule to the given project and the availability and viability of an alternative procedure presented by the Permittee in lieu of the established rule. For example, if there is a new technology that has not been considered by the rules but which has been verified to be safe and effective and would be permissible to the type of project, the Department may consider an exception to the related rule.

Please incorporate the factors you've cited above into this Rule for clarity of the regulated public.

Please reply to this email at your earliest convenience. Thank you.

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

Burgos, Alexander N

Subject: FW: June 2025 RRC Meeting
Attachments: _6_2025-Oil and Gas Commission-Request for Technical Changes_ALL.docx; 15A NCAC 05C .0101.docx; 15A NCAC 05C .0103.docx; 15A NCAC 05C .0104.docx; 15A NCAC 05C .0105.docx; 15A NCAC 05C .0106.docx; 15A NCAC 05C .0107.docx; 15A NCAC 05C .0108.docx; 15A NCAC 05C .0109.docx; 15A NCAC 05C .0110.docx; 15A NCAC 05C .0111.docx; 15A NCAC 05C .0112.docx; 15A NCAC 05C .0113.docx; 15A NCAC 05C .0115.docx; 15A NCAC 05C .0116.docx; 15A NCAC 05C .0117.docx; 15A NCAC 05C .0118.docx; 15A NCAC 05C .0119.docx; 15A NCAC 05C .0120.docx; 15A NCAC 05C .0121.docx; 15A NCAC 05C .0123.docx; 15A NCAC 05C .0124.docx; 15A NCAC 05C .0125.docx; 15A NCAC 05C .0126.docx

From: Everett, Jennifer <jennifer.everett@deq.nc.gov>
Sent: Thursday, June 5, 2025 12:52 PM
To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Wright, Alyssa N <Alyssa.Wright@deq.nc.gov>; Zambon, Sarah <szambon@ncdoj.gov>; Chapman, Jim <james.chapman@deq.nc.gov>
Subject: RE: June 2025 RRC Meeting

Hello Mr. Wiggs,

Attached are responses to your technical change requests and the rewritten rules from the Oil and Gas Commission, 15A NCAC 05C.

Thank you.

Jennifer Everett
DEQ Rulemaking Coordinator
N.C. Depart. Of Environmental Quality
Office of General Counsel
1601 Mail Service Center
Raleigh, NC 27699-1601
Tele: (919)-707-8595
<https://deq.nc.gov/permits-rules/rules-regulations/deq-proposed-rules>

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties.

Information and Instructions for Making Technical Changes

Staff reviewed these Rules to ensure that each Rule is within the agency's statutory authority, reasonably necessary, clear and unambiguous, and adopted in accordance with Part 2 of the North Carolina Administrative Procedure Act. Following review, staff has issued this document that may request technical changes from your agency or ask clarifying questions.

If the request includes questions, please contact the reviewing attorney to discuss.

In order to properly submit rewritten rules, please refer to the following Rules in the NC Administrative Code:

- Rule 26 NCAC 02C .0108 – The Rule addresses general formatting.
- Rule 26 NCAC 02C .0404 – The Rule addresses changing the introductory statement.
- Rule 26 NCAC 02C .0405 – The Rule addresses properly formatting changes made after publication in the NC Register.

Note the following general instructions:

1. You must submit the revised rule via email to oah.rules@oah.nc.gov. The electronic copy must be saved as the official rule name (XX NCAC XXXX).
2. For rules longer than one page, insert a page number.
3. Use line numbers; if the rule spans more than one page, have the line numbers reset at one for each page.
4. Do not use track changes. Make all changes using manual strikethroughs, underlines and highlighting.
5. You cannot change just one part of a word. For example:
 - Wrong: "a~~A~~ssociation"
 - Right: "~~association~~ Association"
6. Treat punctuation as part of a word. For example:
 - Wrong: "day~~;~~ and"
 - Right: "~~day~~, day, and"
7. Formatting instructions and examples may be found at:
www.ncoah.com/rules/examples.html

If you have any questions regarding proper formatting of technical changes after reviewing the rules and examples, please contact the reviewing attorney.

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."

Agency Response: This change has been made.

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

Agency Response: This change has been made to remove "and which may or may not involve the use of explosives."

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

Agency Response: This change has been made to read "this Subchapter."

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

Agency Response: This change has been made.

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

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?"

Agency Response: This change has been made to read "this Subchapter."

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

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?"

Agency Response: G.S. 113-391 mandates the Commission adopt rules regarding appropriate siting standards where oil and gas activities should be limited 113-391(a)(5)(d), the spacing of wells 113-391(a)(12), and the location of wells based on their environmental impact 113-391(a)(13). Under G.S. 113-391(a4) the Department "shall administer and enforce" provisions of Article 27 and its associated rules not otherwise reserved to the Department of Labor or the Oil and Gas Commission. Therefore, the Commission can make the rules regarding site regulation as in 15A NCAC 05C .0104 and the Department's role is to administer and enforce said rules.

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

Agency Response: This change has been made to read "this Subchapter."

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

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?"

Agency Response: This change has been made to read "this Subchapter is."

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.

Agency Response: This change has been made to read "carried out in compliance with all applicable laws, rules, and regulations."

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

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?

Agency Response: This change has been made to read "geophysical".

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

Agency Response: We have made the change to replace "geodetic" with "permanent" for clarity. Geodetic means a permanent marked point on the Earth's surface to establish accurate spatial measurements.

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

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."

Agency Response: This change has been made.

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

Agency Response: The Department will consider factors including compliance with original permit; updated environmental impact information, new impacts to public safety and infrastructure, changes to local or regional land use, and renewed bonding and financial assurances. The information reviewed for a permit renewal is intended ensure compliance with existing permit and to make sure nothing of note has changed in the area surrounding the project that would increase impacts to public or private property or public safety.

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?

Agency Response: The public can contact the Department to get copies of submitted applications in compliance with N.C. Public Records law. In accordance with 15A NCAC 05C .0106, original permit applications must be submitted electronically. Permit renewals can be submitted electronically or via paper application at the applicant's discretion.

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

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?"

Agency Response: This change has been made to read "this Subchapter."

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

Agency Response: This change has been made.

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

Agency Response: This change has been made.

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

Agency Response: This change has been made.

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

Agency Response: This change has been made.

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

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."

Agency Response: This change has been made.

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

Agency Response: This change has been made.

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

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."

Agency Response: This change has been made.

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

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)."

Agency Response: This change has been made.

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

Agency Response: This change has been made.

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

Agency Response: This change has been made.

On line 8, make "explosive" plural.

Agency Response: This change has been made.

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

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?"

Agency Response: This change has been made to read "this Subchapter".

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

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."

Agency Response: This change has been made to add "of the water body."

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

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."

Agency Response: We have made the change to replace "shooting" with "shot." "Shot" is defined in 15A NCAC 05C .0101(i).

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

Agency Response: This change has been made.

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

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."

Agency Response: This change has been made.

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

Agency Response: This change has been made.

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.

Agency Response: The rule has been changed in part to read "all operators shall use reasonable precautions per 15A NCAC .0126 to ensure charges have been detonated at sufficient depths to prevent the creation of craters."

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

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?

Agency Response: The change has been made to change "legal depth" to "minimum required depths of the hole, as defined in 15A NCAC 05C .0120(a), after every shot is fired."

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

Agency Response: This change has been made.

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?

Agency Response: This change has been made.

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

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."

Agency Response: This change has been made.

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

Agency Response: This change has been made.

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

Agency Response: This change has been made.

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

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.

Agency Response: This change has been made to replace "right" with "authority" and to read "this Subchapter".

On line 4, make "permittee" plural.

Agency Response: This change has been made.

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

Agency Response: Exceptions may be granted based on the circumstances provided by the Permittee for the requested change, the significance of the rule to the given project and the availability and viability of an alternative procedure presented by the Permittee in lieu of the established rule. For example, if there is a new technology that has not been considered by the rules but which has been verified to be safe and effective and would be permissible to the type of project, the Department may consider an exception to the related 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

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.

Agency Response: Depending on the stage of exploration and/or production an operator is in there may be different nationally and internationally recognized methods that would apply, including those for certified or licensed individuals. For example, the U.S. Department of Interior Office of Mining Reclamation and Enforcement has Blaster training. The U.S. Bureau of Land Management provided information on best practices for oil and gas production. The American Petroleum Institute has instituted the Process Safety Site Assessments to provide information about best practices for industry standards. The International Union for Conservation of Nature (IUCN) has a guide titled "Effective planning strategies for managing environmental risk associated with geophysical and other imaging surveys". All are available on their websites.

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~~ geophysical, and other surveys and investigations, including seismic methods for the
11 discovery and location of oil, ~~gas~~ gas, or other mineral ~~prospects,~~ prospects, ~~and which may or may not involve the~~
12 ~~use of explosives.~~

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

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

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

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

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

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

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

28
29 *History Note: Authority G.S. 113-391;*
30 *Eff. February 1, 1976;*
31 *Amended Eff. January 31, 1979;*
32 *Readopted Eff. August 1, 1982;*
33 *Amended Eff. April 1, 1990;*
34 *Readopted Eff. July 1, 2025.*
35
36

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

9
10 *History Note: Authority G.S. 113-391;*
11 *Eff. February 1, 1976;*
12 *Amended Eff. January 31, 1979;*
13 *Readopted Eff. August 1, 1982;*
14 *Amended Eff. April 1, 1990;*
15 *Readopted Eff. July 1, 2025.*
16
17
18

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.
8 [rules.] this Subchapter.

9
10 *History Note: Authority G.S. 113-391;*
11 *Eff. February 1, 1976;*
12 *Amended Eff. January 31, 1979;*
13 *Readopted Eff. August 1, 1982;*
14 *Amended Eff. April 1, 1990;*
15 *Readopted Eff. July 1, 2025*
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18

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 ~~this Subchapter~~ are is applicable. applicable. No such seismic work shall be started without a permit and all such work
6 ~~must shall~~ be carried out in ~~such manner as may be approved by [the Department.] said secretary.~~ compliance with all
7 applicable laws, rules, and regulations.

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.*
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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 geophysical** exploration work ~~must~~ shall be filed in ~~quadruplicate~~ with the ~~department~~
5 Department at least ~~10 days~~ 30 business days before issuance of permits and ~~must~~ shall be accompanied by a detailed
6 map showing the exact area in which the geophysical operations are to be conducted, such area to be shown, where
7 possible, by reference to established ~~coast~~ objects or **[geodetic] permanent** landmarks. ~~(The department may hereafter~~
8 ~~require applications to be filed on special forms to be provided by the department.)~~ Permittees will ~~shall~~ also obtain
9 ~~appropriate assent from the lessee if and where the area under investigation is leased, with exclusive exploration~~
10 ~~privilege, to other than the permittee. If the applicant is not the owner of the land and owner of the mineral rights to~~
11 ~~be explored, the applicant shall include the owner's written consent for the applicant to submit an exploration~~
12 application to conduct exploration 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.*
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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 the date of issue, issuance, but may be renewed for not more than
5 two additional 90-day periods at the discretion of the Department, secretary. Applications for each renewal may be
6 submitted made electronically. in letter form. After the expiration of a permit and any renewals thereof, work may
7 continue or be resumed under any new permit issued or application made as provided in Rule ~~.0006~~ .0106 of this
8 ~~Subchapter.~~ Section.

9
10 *History Note: Authority G.S. 113-391;*
11 *Eff. February 1, 1976;*
12 *Readopted Eff. August 1, 1982;*
13 *Readopted Eff. July 1, 2025*
14
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16

1 15A NCAC 05C .0108 IS READOPTED AS PUBLISHED IN 39:12 NCR 763 AS FOLLOWS:

2
3 **15A NCAC 05C .0108 GEOGRAPHIC LIMITS ON WORK**

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

6
7 *History Note: Authority G.S. 113-391;*
8 *Eff. February 1, 1976;*
9 *Readopted Eff. August 1, 1982;*
10 *Readopted Eff. July 1, 2025.*
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12
13

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

12
13 *History Note: Authority G.S. 113-391;*
14 *Eff. February 1, 1976;*
15 *Readopted Eff. August 1, 1982;*
16 *Readopted Eff. July 1, 2025.*
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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 ~~and~~
6 ~~filed with the Department~~ for each ~~working~~ day whether or not ~~data acquisition shooting~~ is in progress. ~~These reports~~
7 ~~must furnish complete information as indicated on the report form and must be signed by the party chief and by the~~
8 ~~seismic agent. The party chief will furnish only such information to the seismic agent as is required to fill out the~~
9 ~~daily reports. Should the department wish to secure any other information, it will furnish the party chief with a written~~
10 ~~request. The Department may request 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.*
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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,~~ beginning of work, and shall give notice of interruption, and of cessation of
6 work in any ~~area,~~ area, and shall keep the department informed of name and address of party chief, and location and
7 ~~movements of the 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.*
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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~~ Explosive charges in excess of 50 pounds of ~~[TNT]~~ Trinitrotoluene (TNT) or its equivalent shall not be used
5 except pursuant to written authorization from the Department. ~~department.~~ Requests shall be submitted with the
6 permit application to the Department. ~~for the use~~ [Use of] Requests to use such charges ~~must~~ shall be made in writing,
7 giving the reasons why such charges are needed, the size of the charges to be used, and the depth at which they are to
8 be suspended or buried. ~~Such requests should be addressed to the department.~~ Should multiple charges be used, the
9 total amount of ~~explosive~~ explosives should not exceed 50 pounds of TNT or its equivalent without ~~special~~ permission
10 from the Department. ~~department.~~

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.*
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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~~ this Subchapter is ~~prohibited.~~ prohibited. ~~No undetonated charges shall be left.~~ No such charges should be
6 detonated that are less than five feet to the bottom. ~~nearer to the bottom or water bed than five feet.~~ No undetonated
7 charges shall be left 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.*
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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 of the water body ~~or water bed~~ ~~(and and~~ in charted navigable channels, ~~at least~~ eight feet below
6 charted dredge ~~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.*
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15A NCAC 05C .0116 IS READOPTED AS PUBLISHED IN 39:12 NCR 763 AS FOLLOWS:

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.~~ pipe, permittee.

*History Note: Authority G.S. 113-391;
Eff. February 1, 1976;
Readopted Eff. August 1, 1982;
Readopted Eff. July 1, 2025.*

1 15A NCAC 05C .0117 IS READOPTED AS PUBLISHED IN 39:12 AS FOLLOWS:

2
3 **15A NCAC 05C .0117 PIPES AND BUOYS**

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

6
7 *History Note: Authority G.S. 113-391;*
8 *Eff. February 1, 1976;*
9 *Readopted Eff. August 1, 1982;*
10 *Readopted Eff. July 1, 2025.*
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1 15A NCAC 05C .0118 IS READOPTED AS PUBLISHED IN 39:12 NCR 763 AS FOLLOWS:

2
3 **15A NCAC 05C .0118 EXPLOSIVES**

4 No explosives shall be discharged within 1,000 feet of a fishing boat operating in the waters, water without notice
5 being given to such boat so that it may move from the area. ~~Before any shot is discharged the exploration party shall~~
6 ~~employ methods approved by the industry to frighten or drive away the fish and/or marine life which may be in the~~
7 ~~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~~
8 ~~be suspended in that particular area until said school or schools of fish have been driven away.~~

9
10 *History Note: Authority G.S. 113-391;*
11 *Eff. February 1, 1976;*
12 *Readopted Eff. August 1, 1982;*
13 *Readopted Eff. July 1, 2025.*
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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 shot~~ will be allowed except in daylight ~~hours.~~ hours so that the seismic agent may observe the results
5 of 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 shot~~ 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.]~~ hours after the spout is first noticed. ~~will be stopped by permittee as~~
10 ~~soon as possible after they occur.~~

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.*
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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 **explosive** charges detonated in holes below the bottom ~~or bed of the inland or~~
5 ~~offshore waters~~ water within the jurisdiction of this ~~state~~ State shall be as follows:

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

12 (b) ~~No part of the charge shall be above the minimum required depth.~~ Irrespective of the minimum depths specified
13 in Paragraph (a) of this Rule, all **charges operators** shall **be use responsible precautions per 15A NCAC .0126 to ensure**
14 **charges have been** detonated at sufficient depths to prevent ~~cratering.~~ **the creation of craters.**

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

18
19 *History Note: Authority G.S. 113-391;*
20 *Eff. February 1, 1976;*
21 *Readopted Eff. August 1, 1982;*
22 *Readopted Eff. July 1, 2025.*
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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 minimum required
6 depths of the ~~hole~~ hole, as defined in 15A NCAC 05C .0120(a), ~~after the shot is fired, the hole will be measured for~~
7 ~~depth every shot is fired. before reloading to ascertain that it is the required depth in accordance with the table of~~
8 ~~charges and depth.~~

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

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

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

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

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

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

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

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

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

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

33
34 *History Note: Authority G.S. 113-391;*

35 *Eff. February 1, 1976;*

36 *Readopted Eff. August 1, 1982;*

37 *Readopted Eff. July 1, 2025.*

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

9
10 *History Note: Authority G.S. 113-391;*
11 *Eff. February 1, 1976;*
12 *Readopted Eff. August 1, 1982;*
13 *Readopted Eff. July 1, 2025.*
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1 15A NCAC 05C .0124 IS READOPTED AS PUBLISHED IN 39:12 NCR 763 AS FOLLOWS:

2
3 **15A NCAC 05C .0124 DUTIES OF PARTY CHIEF**

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

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

9
10 *History Note: Authority G.S. 113-391;*
11 *Eff. February 1, 1976;*
12 *Readopted Eff. August 1, 1982;*
13 *Readopted Eff. July 1, 2025.*
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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~~ authority to release any operator from the obligations imposed by ~~these rules.~~
5 this Subchapter. ~~[Permittee]~~ Permittees may request an exception to these rules in writing by setting forth reasons for
6 the request. Exceptions may be granted by the ~~department~~ Department ~~only, after written application setting forth~~
7 ~~reasons for exception.~~ The release and will shall designate the particular area and rule affected and the procedure to
8 be followed in lieu of the established rule.

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

Burgos, Alexander N

From: Wiggs, Travis C
Sent: Friday, May 23, 2025 11:35 AM
To: Everett, Jennifer
Cc: Burgos, Alexander N
Subject: June 2025 RRC Meeting
Attachments: 6_2025-Oil and Gas Commission-Request for Technical Changes.docx

Good morning,

I'm the attorney who reviewed the rules submitted by the Oil and Gas Commission for the June 2025 RRC meeting. The RRC will formally review these rules at its meeting on Thursday, June 26, 2025, at 10:00 a.m. The meeting will be a hybrid of in-person and WebEx attendance, and an evite should be sent to you as we get close to the meeting. If there are any other representatives from your agency who want to attend virtually, please let me know prior to the meeting, and we will get evites out to them as well.

Attached is the Request for Changes Pursuant to G.S. 150B-21.10. Please submit the revised rules to me via email, no later than 5 p.m. on June 9, 2025. Let me know if you have any questions.

Thanks,

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

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