

15A NCAC 05H .1307 APPLICATION REVIEW PROCESS

(a) The Department shall review applications. The Department shall send written notice to an applicant or permittee if an application is incomplete, stating each deficiency. The applicant or permittee shall have 60 calendar days from the date the letter was sent to submit the required information to the Department or the application shall be denied.

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

- (1) Division of Air Quality, Department of Environmental Quality;
- (2) Division of Parks and Recreation, Department of Natural and Cultural Resources;
- (3) Division of Water Resources, Department of Environmental Quality;
- (4) North Carolina Geological Survey, Division of Energy, Mineral, and Land Resources, Department of Environmental Quality;
- (5) Natural Heritage Program, Department of Natural and Cultural Resources;
- (6) North Carolina Wildlife Resources Commission;
- (7) Office of Archives and History, Department of Cultural Resources;
- (8) United States Fish and Wildlife Service, United States Department of the Interior;
- (9) Any other Federal or State agency that the Department determines to be appropriate based on the location of the proposed well site, including the Division of Coastal Management, Department of Environmental Quality; the Division of Marine Fisheries, Department of Environmental Quality; the Division of Waste Management, Department of Environmental Quality; Division of Public Health; and the Department of Transportation; and
- (10) The county and municipality in which the permit application is located.

(c) Public notice of the receipt of a complete oil or gas well applications(s) submitted pursuant to this Rule shall be given prior to permit issuance.

- (1) Such notice shall:
 - (A) be posted on the Division's website;
 - (B) provide 30 calendar days for public comments to be submitted to the Department; and
 - (C) include the permit application.
- (2) After the public comment period has ended the Department shall:
 - (A) consider the comments submitted; and
 - (B) post notice on the Division website as of the final permitting action.

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

(e) The Department shall have 180 calendar days from receipt of the complete application, to review and approve, approve with conditions, or deny the application. The Department shall consider all input submitted by the reviewing agencies outlined in Paragraph (b) of this Rule and public comment received pursuant to Paragraph (c) of this Rule when approving, approving with conditions, or denying any application.

(f) If the Department receives a written comment from an agency listed in Paragraph (b) of this Rule, indicating that the reviewing agency has concerns regarding an environmentally sensitive area under Rule .1405(c) of this Subchapter, the Department shall notify the Chair of the Commission within 10 days. The Chair shall notify the applicant or permittee and reviewing agencies in Paragraph (b) of this Rule that the Commission will determine the environmental damage bond during a scheduled meeting.

(g) If the Department denies an application for a permit pursuant to Rule .1309 of this Section, the Department shall notify the applicant or permittee in writing and stating the reasons for the denial. The applicant or permittee may thereupon modify and resubmit the application or file an appeal in accordance with 150B, Article 3; the Department shall have 60 calendar days from receipt of the resubmitted application to complete the review process.

(h) The Department shall set the amount of the bond or other security required pursuant to Rules .1403, .1404, and .1405 of this Subchapter, and mail notice of the required bond to the applicant or permittee. The applicant or permittee shall have 60 calendar days after the Department mails the notice to provide the required bond or security instrument to the Department. The Oil or Gas Well Permit shall not be issued until receipt of this instrument.

(i) Following approval of a Form 2 – Oil or Gas Permit Application for a new oil or gas well, the North Carolina Geological Survey shall assign an API number for the oil or gas well.

(j) The permittee shall not commence any operation at the well site prior to receiving an Oil or Gas Permit and meeting the requirements of this Rule.

History Note: Authority G.S. 113-391(a)(5)l; 113-391(a6); 113-421(a3)(2);
Eff. March 17, 2015;
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