

### **15A NCAC 05H .0802 COMMENCEMENT OF PROCEEDINGS**

(a) An operator shall commence a proceeding by filing a petition with the Commission by submitting one paper copy for each Commissioner, plus five additional copies to the following address: Oil & Gas Program, Division of Energy, Mineral, and Land Resources, 1612 Mail Service Center, Raleigh, NC 27699-1612 and an electronic copy in .pdf form submitted to Oil&Gas@ncdenr.gov.

(b) The petition shall contain:

- (1) the name, address, and telephone number of the petitioner;
- (2) the city and county in which the oil or gas operation is or is proposed to be located; and
- (3) a statement of facts and issues, which shall include:
  - (A) the action giving rise to the petition;
  - (B) a copy of the ordinance;
  - (C) the effect of the ordinance on the proposed activities;
  - (D) identification of the provisions of the ordinance alleged to prevent the proposed activities;
  - (E) any actions taken to comply with the ordinance or any of its provisions;
  - (F) status of and compliance with all applicable state and federal permits or approvals;
  - (G) any attempts made by the petitioner to resolve the issue with each city and county in which the activities are proposed;
  - (H) opportunities local citizens and elected officials have had to participate in the permitting process;
  - (I) documentation that the proposed activities will not pose a health or environmental risk to the applicable jurisdiction. For the purposes of filing this petition, this documentation shall be deemed complete if it includes the information submitted for all applicable state and federal permits or approvals;
  - (J) measures the applicant or permittee has taken or consented to take to avoid or manage foreseeable risks and to comply to the maximum extent feasible with any applicable ordinance;
  - (K) a metes and bounds description, site plan, maps, or other information describing the facility and its location; and
  - (L) all other information the petitioner believes relevant and which constitutes grounds for relief under G.S. 113-415.1.

(c) Within 10 calendar days of receipt of the petition, the Chair of the Commission shall review the petition and determine whether it is complete in accordance with Paragraph (b) of this Rule. If the petition is complete, the Chair of the Commission shall send a notice of proceeding in accordance with Rule .0803 of this Section.

*History Note: Authority G.S. 113-415.1; 150B, Article 3;  
Eff. March 17, 2015.*