

15A NCAC 05H .1404 DISTURBED LAND BOND

(a) The applicant or permittee shall provide to each surface owner a disturbed land bond that is sufficient to cover the cost of completing the requirements of the approved Reclamation Plan in accordance with Rule .2102 of this Subchapter and any reclamation conditions of the approved permit.

(b) The Commission shall set the disturbed land bond amount by calculating the costs for corrective actions(s), using the Reclamation Cost Table and calculations specified in Paragraphs (c) and (d) of this Rule, to return the land to the conditions set out in the approved Reclamation Plan in accordance with Rule .2102 of this Subchapter and any reclamation conditions of the approved permit.

(c) The Commission shall use the Reclamation Cost Table to calculate the amount for the disturbed land bond. The Reclamation Cost Table set by the Commission shall include the following:

- (1) stone removal for access road and well pad in cubic yards;
- (2) spreading stockpiles and berms to prepare for fine grading in cubic yards;
- (3) filling of pits in cubic yards;
- (4) fine grading per acre;
- (5) seed and mulch, repair seeding, and fertilizing per acre;
- (6) matting for soil cover per acre;
- (7) matting permanent soil reinforcement per acre;
- (8) drainage ditch excavation; and
- (9) borrow excavation.

(d) The disturbed land bond shall be calculated by multiplying the affected area for each item listed in Paragraph (c) of this Rule and the unit cost for each item as determined by the Commission based on market value of each item. The Reclamation Cost Table is available on the Division's Oil and Gas Program webpage at the following address: <http://portal.ncdenr.org/web/lr/oilgas>.

(e) If the applicant, permittee, or surface owner disagrees with the disturbed land bond amount determined by the Commission, the applicant, permittee, or surface owner may appeal the bond amount pursuant to G.S. 113-421(a3)(1).

History Note: Authority G.S. 113-391(a)(5)l; 113-391(a)(13a); 113-421(a3)(1); 150B-43;
Eff. March 17, 2015.