NOTE: This rule contained multiple concepts that needed to be pulled out—definition of water management plan, contents of the plan and application, how the plan intersects with comprehensive permitting; and approval criteria. Please see my suggested edits below. I did not rewrite any of the language (with minor exceptions highlighted below), but did substantially rearrange the rule.

15A NCAC 05H .XXX3 WATER MANAGEMENT PLAN

(a) A water management plan is a plan associated with the drilling or completing of an oil or gas well that demonstrates that the withdrawal and use of water sources protects those sources as required by law, and protects public health, safety, and welfare.

(b) A water management plan application shall include the following:

(i) Name, address, phone number and email address of the applicant.

(ii) Name, address, phone number and email address of the operator or the onsite manager/supervisor associated with onsite activities.

(iii) Written approval to allow for the proposed water use activity from any real property owner(s) where any components of the water use activity ~~project(s)~~ described in an application have been or will be located, installed, or constructed.

(iv) Address and parcel identification of the real property where any water intake, water well or water transport system components have been or will be located, installed, or constructed.

(v) A proposed water management plan, which shall include:

(A) Intended starting date of water withdrawals;

(B) Clear identification of the source(s) of water to be used;

(C) A description of all potential sources of water, including flowback and produced water, that were evaluated for this application and the reasons for rejecting those sources as required by Rule .0XX4 of this Section;

(D) The maximum daily water withdrawal in millions of gallons per day;

(E) The total quantity of water to be withdrawn for the project(s) covered by the permit application.

(F) Any current or proposed structures or appurtenances for the transport or storage of water;

(G) Maps showing the latitude and longitude, in decimal degrees of the location of proposed water source(s) and any existing receptors within the area of influence of the proposed water source, including but not limited to water wells, streams, springs, wetlands, and areas with known environmental contamination;

(H) Any current or proposed utility rights-of-way associated with the project area;

(I) Alternative water sources such as flowback or produced water, and other additional alternative sources; and

(J) Alternative source(s) or practices to be used during times of drought;

(K) All other information required by Rule .XX4 of this Section.

(c) The water management plan constitutes a section of the comprehensive oil and gas permit application. An application for a water management plan~~, for water to be used for the purpose of oil and gas operations,~~ must be submitted as part of an application for a comprehensive oil and gas development permit. The proposed water management plan may address water use for multiple ~~projects~~ well pads, some of which may be authorized under future applications for comprehensive oil and gas development permits. A water management plan approved for multiple ~~projects~~ well pads may be included by reference in subsequent applications for comprehensive oil and gas development permits for any~~projects~~ well pads included in the approved water management plan.

(d) The Department may request the applicant provide any additional information deemed necessary for the review of a proposed water management plan. The Department may approve the proposed plan, approve the proposed plan subject to conditions, or disapprove the proposed water management plan. An approved water management plan is required prior to the utilization of the water sources identified therein for the purposes of permitted oil and gas operations. start of any activity in addition to those undertaken to develop water sources that are associated with the project(s) covered by the application.

No water use activity proposed in the water management plan shall proceed until the plan is approved.

An approved water management plan is required prior to the start of any activity, including those undertaken to develop water sources that are associated with the project(s) covered by the application.

Comment [AP1]: This sentence is still confusing. Suggest rewriting to be "An approved water management plan is required prior to the start of any activity, including those undertaken to develop water sources that are associated with the project(s) covered by the application."