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1	15A NCAC 05H .XX	2 DEFINITIONS	(to be	e added t	to well	construction s	section)
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- 2 (1) "Drilling block" shall mean (To be defined by AOG)
- (2) "Occupied dwelling" shall mean a private residence, existing inhabited structure, 3 or a public building that may be used as a place of assembly, education, entertainment, 4 lodging, trade, manufacture, repair, storage, or occupancy by the public, including any 5 outdoor recreational facility, national park, State Park as defined in GS 113-44.9, historic 6 property acquired by the State pursuant to GS 121-9 or listed in the North Carolina 7 Historic Register of Historic Places pursuant to GS 121-4.1, or child care center as 8 9 defined in GS 110-86. This does not apply to a building or other structure that is 10 incidental to agricultural use of the land on which the building or other structure is 11 located unless the building or other structure is used as an occupied private dwelling or for retail trade. 12
 - (3) "Setback" shall mean the horizontal separation distance, in feet, between the surface location of well site features and adjacent land characteristics, such as, occupied dwellings, property boundaries, surface water bodies, road and utility rights-of-way, and water wells.
 - (4) "Tank Battery" shall mean a group of tanks that are connected to receive production fluids from a well or a producing lease. In the tank battery, the production fluid volume is measured prior to collection and transportation to a processing facility. Gas will be measured prior to flowing into the pipeline system.

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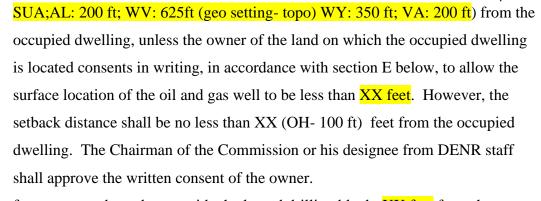
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15A NCAC 05H .XXXX SETBACK DISTANCES

- 23 (A) The location for a new oil and gas well(s) on a wellpad, tank, tank battery, or the location of
- 24 a new pit for use during oil and gas well operations shall meet the following minimum setback
- 25 distances to minimize or mitigate potential adverse impacts to public health, public safety, the
- 26 environment, and wildlife.
- 27 (B) The permittee shall ensure that the surface location of a new oil and gas well(s) shall be
- located to comply with the following setbacks:
- 29 (1) for an occupied dwellings: XX feet (OH: urban rule= 150ft; PA: 500ft; CO: 500
- ft, 100ft for high occ blgs, 350 ft from parks and outdoor facilities- unless



- (2) for a property boundary outside the leased drilling block: XX feet from the property line of a parcel of land that is not in the drilling block of the oil and gas well, unless the owner of the parcel of land consents in writing, in accordance with section E below, to allow the surface location of the oil and gas well to be less than XX feet but no closer than XX (OH- 100 ft) feet from the property line of the parcel of land. The Chairman of the Commission or his designee from DENR staff shall approve the documentation showing the written consent of the owner.
- (3) for a public road, highway, utility or a railroad track right-of-way, or other right-of-way: XX feet (OH: 50 ft; CA: 100 ft; NY: 75 Ft);
- (4) for a stream, river, watercourse, pond, lake, or other body of water: XX feet (OH: 50 ft; PA: 100 ft, 300 from wetlands 1ac+; NY: 50 ft; WV: 100 ft (300 ft- trout)). However, the Chairman or his designee from DENR staff may authorize a new oil and gas well to be located at a distance that is less than 50 feet from a stream, river, watercourse, pond, lake, or other body of water if the Chairman or his designee from DENR staff determines that the reduction in the distance is necessary to reduce impacts to the owner of the land on which the oil and gas well is to be located yet is still protective of public safety, public health, and the environment.
- (5) for a public or private water supply well: XX feet (OH: 100ft; PA: 500 ft at water well or 1000 ft at water supply well; aligns with 15A NCAC 02C .0107 for location USTs; WV: 1000 ft.)

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(C) The permittee shall ensure that the surface location of a new tank or tank battery shall be located at the following setbacks:

- (1) for an occupied dwelling: XX feet (OH: 50 ft; CO: 500 ft, 1000 ft for high occ blgs, 350 ft from parks and outdoor facilities- unless SUA) from the occupied dwelling, unless the owner of the land on which the occupied dwelling is located consents in writing, in accordance with section E below, to allow the surface location of the tank or tank battery to be less than XX feet from the occupied dwelling. In no circumstances shall the setback distance be less than XX (OH-100 ft) feet from the occupied dwelling. The Chairman of the Commission or his designee from DENR staff shall approve the documentation showing the written consent of the owner.
 - (2) for a property boundary outside the leased drilling block: XX feet (OH: 150 ft; CO: 350 ft) from the property line of a parcel of land that is not in the drilling block of the oil and gas well, unless the owner of the parcel of land consents in writing, in accordance with section E below, to allow the surface location of the tank or tank battery to be less than XX feet but no closer than XX (OH- 100 ft) feet from the parcel of land. The Chairman of the Commission or his designee from DENR staff shall approve the documentation showing the written consent of the owner.
 - (3) for a public road, highway, utility or railroad track right-of-way, or other right-of-way: XX feet (OH-50 feet);
 - (4) for a stream, river, watercourse, pond, lake, or other body of water: XX feet (OH: 50 ft; PA: 750ft). However, the Chairman of the Commission or his designee from DENR staff may authorize a new tank or new tank battery of an oil and gas well to be located at a distance that is less than XX feet from a stream, river, watercourse, pond, lake, or other body of water if the Chairman or his designee from DENR staff determines that the reduction in the distance is necessary to reduce impacts to the owner of the land on which the tank or tank battery of an oil and gas well is to be located yet is still protective of public safety, public health, and the environment.

for a public or private water supply well: XX feet (OH: 100 ft).

- (D) The permittee shall ensure that the surface location of a new pit shall be located at the following setbacks:
- for an occupied dwelling: XX feet (CO: 500 ft, 100ft for high occ blgs, 350 ft from parks and outdoor facilities- unless SUA; §106-803 (Swine) 1500 ft- 2500 ft) from the occupied dwelling unless the owner of the land on which the occupied dwelling is located consents in writing, in accordance with section E below, to allow the surface location of the pit(s) to be less than XX feet. However, the setback distance shall be no less than XX (OH- 100 ft) feet from the occupied dwelling. The Chairman of the Commission or his designee from DENR staff shall approve the written consent of the owner.
 - (2) for a property boundary outside the leased drilling block: XX feet (OH- 150 Ft §106-803 (Swine)- 500 ft) from the property line of a parcel of land that is not in the drilling block of the oil and gas well unless the owner of the parcel of land consents in writing, in accordance with section E below, to allow the surface location of the pit(s) to be less than XX feet. In no circumstances shall the setback distance be less than XX (OH- 100 ft) feet from the parcel of land. The Chairman of the Commission or his designee from DENR staff shall approve documentation of the written consent of the owner.
 - (3) for any public road, , utility or a railroad track right-of-way, or other right-of-way: XX feet (OH-50 feet);
 - (4) for a stream, river, watercourse, pond, lake, or other body of water: XX feet (OH: 50 ft; PA: 750 ft). However, the Chairman or his designee from DENR staff may authorize a pit or pits to be located at a distance that is less than XX feet from a stream, river, watercourse, pond, lake, or other body of water if the Chairman or his designee from DENR staff determines that the reduction in the distance is necessary to reduce impacts to the owner of the land on which the pit or pits are to be located yet is still protective of public health, public safety and the environment.

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Rev 4.0- ESC 26Sept2013 for a public or private water supply well: XX feet (8106-803 (Swine)- 500 ft

1	(5)	for a public or private water supply well: XX feet (§106-803 (Swine)-500 ft;			
2		MSWs: 500 ft).			
3	(E) For purposes of (B) to (D) of this section, written consent of an owner of land may be				
4	provided by any of the following:				
5	(1)	A copy of an original lease agreement text that expressly provides for the			
6		reduction of the distance of the location of an oil and gas well, wellpad, tank			
7		battery, or pit, as applicable, from an occupied dwelling or a property line;			
8	(2)	A copy of a deed severing the oil or gas mineral rights, as applicable, from the			
9		owner's parcel of land as filed with the county Registrar of Deeds that expressly			
10		provides for the reduction of the distance of the location of an oil and gas well,			
11		wellpad, tank battery, or pit, as applicable, from an occupied dwelling or a			
12		property line;			
13	(3)	A written statement signed by the property owner that consents to the proposed			
14		location of an oil and gas well, wellpad, tank, tank battery, or pit(s), as applicable			
15		and that is approved by the Chairman or his designee from DENR staff. For			
16		purposes of (E)(3) of this section, a permittee shall submit a copy of a written			
17		statement to the Chairman or his designee from DENR staff			
18					
19	History Note:	Authority			
20		Eff			
21					
22	15A NCAC 0	5H .XXXX FACILITY SAFETY SETBACK DISTANCES			
23	(A) The surface	ce location of a new pit, tank, or tank battery shall not be within XX feet (OH: 50			
24	ft; CO: 75ft) feet of any other oil or gas well.				
25	(E) The surface location of a new fluid production tank shall not be within three feet (OH and				
26	CO minimum) of another fluid production tank.				
27	(F) The surface location of a mechanical separator or compressor shall not be within any of the				
28	following:				
29	(1)	50 (OH only) feet of an oil and gas well;			
30	(2)	XX feet (OH: 10 ft; CO: 75ft) feet of a tank;			

ESC- Setback Rules

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1	(3)	100 (OH only) feet of an occupied dwelling.		
2	(G) A vessel that is equipped in such a manner that the contents of the vessel may be heated shall			
3	not be within any of the following:			
4	(1)	XX feet (OH: 50 ft; CO: 75ft) of a production tank;		
5	(2)	XX feet (OH: 50 ft; CO: 75ft) of an oil and gas well;		
6	(3)	XX feet (OH: 100 ft; CO: 200 ft) feet of an occupied dwelling;		
7	(4)	If the contents of the vessel are heated by a direct fire heater, XX feet (OH and		
8		CO= 50 ft) of a mechanical separator.		
9	(5)	40 (CO only) feet from a pump		
10				
11	History Note:	Authority		
12		$E\!f\!f$		
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