

NC panel OKs rules needed for fracking permits

By GARY D. ROBERTSON, Associated Press

RALEIGH, N.C. — After 18 months of work and more than 200,000 public comments, a state energy panel on Friday approved a comprehensive list of regulations for companies that want fracking permits to drill for and collect natural gas in North Carolina.

The state Mining and Energy Commission voted in favor of dozens of rules to guide the process for how companies would use the hydraulic fracturing method.

Since last week, commission members spent three days discussing revisions and took more comments from the public before the rules were approved with no opposing votes. The full panel has been debating and rewriting rule proposals since mid-2013.

The commission, formed in mid-2012 at the legislature's direction, held four public hearings around the state and received nearly 220,000 public comments on the rules.

"If anybody is totally happy with it, I'll be surprised, but it's really the best we could do," Commission Chairman Vikram Rao said. "I'm sure there are sections of the public who won't be particularly happy."

The decisions Friday represent an important step toward making sure fracking can begin on the schedule envisioned by Republican leaders. GOP Gov. Pat McCrory signed a law last summer clearing the way for permits to be issued next year for fracking, which involves injecting water, sand and chemicals to break apart underground rocks so oil and gas can escape.

Scientists believe pockets of natural gas exist in layers of shale under Chatham, Lee and Moore counties southwest of Raleigh, but there are disputes about how much is there.

The regulations now go to the state Rules Review Commission, which will probably suggest changes. The commission is slated to discuss the fracking rules Dec. 17-18, but some adjustments could be offered informally sooner.

"This is a lot for anybody to digest," said Amy Pickle, the commission's vice chairwoman and a leader at Duke University's Nicholas Institute for Environmental Policy Solutions. Once through the rules commission, the regulations head to the legislature, which has the final say during the session that starts in January.

The panel agreed Friday to double the amount of time the Department of Environment and Natural Resources would have to approve or deny a fracking permit application. The time was extended to 180 days because an applicant must receive financial bonding before a permit can be approved, Pickle said.

Language that gave the commission authority to halt work on fracking operations was removed. Commission members said such power wasn't explicit in the law directing the creation of the rules. Rao said such power would be formally requested from the legislature.

Commission members also said open pits containing drilling waste must be made larger to prevent spills, and they agreed to require continuous electronic monitoring of these pits for leakage into the ground.

Opponents fear chemicals could escape the wells and argue the rules don't do enough to protect the state.

"The only way that North Carolinians can truly be protected from drilling is to keep it out of the state entirely," Environment North Carolina spokeswoman Liz Kazal told the commission just before the vote.

Fracking proponents say it can be done safely and that affordable natural gas helps manufacturers create more jobs.

The panel's work will "ensure that there's safe and responsible oil and natural gas exploration here in the state," said David McGowan with the North Carolina Petroleum Council.

Associated Press writer Jonathan Drew contributed to this report.