

N.C. Oil and Gas Commission

Minutes of the Tuesday, 10 May 2022 Meeting*

The meeting of the Oil and Gas Commission took place at 1:00 P.M. on 10 May 2022 in the ground-floor Hearing Room of the Archdale Bldg. in Raleigh, hosted by the North Carolina Department of Environmental Quality (DEQ). The meeting was also available via WebEx videoconferencing service.

00:00:05 – **Chair James K. Womack, Jr.** opened the meeting with a moment of silence and led the Pledge of Allegiance.

00:01:22 – Chair Womack read the Ethics Reminder from the Elections and Ethics Enforcement Act, then asked the members to identify any conflicts of interest. No conflicts were identified.

Time was spent between 00:01:55 and 00:09:40 - <RESOLVING TECHNICAL DIFFICULTY WITH VIDEO-CONFERENCING SERVICE>

00:09:40 – Chair Womack conducted a roll-call attendance. In attendance: **Commissioner Rebecca Wyhof Salmon** (remote), **Commissioner Stanford D. Baird** (remote), **Commissioner John D. White II** (in-person), **Commissioner John Droz, Jr.** (remote), **Commissioner Dr. William Vizquete** (in-person), **Vice-Chair James C. Lister** (in-person), and Chair Womack (in-person). A quorum was declared. **Commissioner John Lucey** was not present. **Commissioner Karen A. Howard** was unable to connect remotely at first but was eventually able to join the meeting.

00:10:31 – Chair Womack asked if there were any additions or revisions to the meeting agenda. No edits were given. Chairman Womack welcomed the new commissioners. Chair Womack opened the floor for discussion of the February 2022 commission meeting minutes. Commissioner Droz made a motion to approve the minutes, seconded by Vice-Chair Lister. Chairman Womack conducted a division vote for the minute's approval. The minutes were approved.

00:12:39 – Chair Womack asked **State Geologist and Geological Survey Section Chief Dr. Kenneth B. Taylor** for a report of oil/gas permitting inquiries put forth to the North Carolina Geological Survey since the last commission meeting. Dr. Taylor reported that there had been no inquiries.

00:12:57 – Chair Womack moved the meeting to discussion regarding further deliberation for the Commission's standard operating procedure (SOP). **North Carolina DOJ Assistant Attorney General Shawn Maier** indicated that there was not a need to take further action on the SOP since the Commission voted on the SOP in the last meeting. Chair Womack indicated that he would sign a copy of the SOP before leaving that day.

00:14:07 – Chair Womack moved the discussion to the establishment of a DEQ stakeholder group to advise the Commission. Chair Womack asked Dr. Taylor if there was an update for replacing some of the long-time <inaudible>. Dr. Taylor stated that there is an on-going effort to secure contact information from the list of names. Chair Womack suggested that a list of interested industries/groups could be created, then the gaps of potential stakeholders from the current list could be narrowed down by comparing needed representation to the current list. It was agreed.

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00:16:38 – Chair Womack moved the discussion to the proposal to re-establish the rules for the rules-review committee. Chair Womack highlighted that the Commission has not edited the oil and gas rules in approximately seven years and that some issues could now be outdated or otherwise in need of editing. Chair Womack asked that the rules-review committee establish all the meeting times which they plan to meet, at least. Additionally, the rules review-committee should solicit input from interested groups (industry, environmental, etc.). Further, the rules-review committee should identify other deficiencies in the rules, Chair Womack stated. Chair Womack reminded the rules-review committee that the meeting times they choose will need to be publicly noticed. Vice-Chair Lister reminded the Commission of a presentation he made to the Commission in 2019 highlighting deficiencies he had found in the rules at that time. Vice-Chair Lister categorized the deficiencies as: *<inaudible>* and an additional category was for topics not covered in the original rules. Vice-Chair Lister asked if there could be a discussion regarding the discrepancy between his list of deficiencies in the rules and Dr. Taylor’s list. Dr. Taylor responded that the DEQ rulemaking coordinator relayed to him that the copy of the rules he was working from is the correct copy so that the copy he sent back to Vice-Chair Lister was the correct set of rules. Chair Womack reminded the Commission that they were not allowed to discuss or meet officially between scheduled meetings; so the emails between Commissioners or between Commissioners and DEQ staff are permissible but they need to be publicly visible in some manner. Additionally, Chair Womack stated that the DEQ rules coordinator needs to be engaged with the Commission when rules changes are considered. Vice-Chair Lister reminded the Commission that the rules are a public document, so he was simply asking Dr. Taylor to supply the rules-review committee with a copy of the approved rules document. Dr. Taylor stated that he would look into the issue with **DEQ Rulemaking Coordinator Jennifer Everett**. Chair Womack reminded the rules-review committee that it would be a good idea to include Jennifer Everett in the rules-review meetings and Counselor Maier stated that he could be available as well after Dr. Taylor reminded the Commission that an attorney should also be present. Vice-Chair Lister reminded the rest of the rules-review committee that he has read the entire set of rules and has iterated his recommendations, via his 2019 presentation to the Commission, and that a copy of said presentation is on-hand for the committee’s reference. Staff acknowledged that Vice-Chair Lister’s presentation is publicly available.

00:31:17 – Chair Womack moved the discussion to the unfinished business of the February 2022 meeting. Chair Womack stated that the unfinished business is left over from the previous Mining and Energy Commission. Chair Womack highlighted that there has yet to be a baseline public health survey conducted. Chair Womack further described that emergency services had also been a concern but also reminded the Commission that Dr. Taylor had reported in a previous Commission meeting that there are regional emergency services facilities, including one in the Sanford gas-potential region. Chair Womack stressed that the regional emergency services facility needs to be properly equipped and trained for the particulars of gas field drilling operations. An additional subject of concern from unfinished business is tank standards, Chair Womack iterated, because there has been a movement away from metal tanks to synthetic materials since the Commission last visited the issue.

00:39:14 – Chair Womack moved to the discussion to Commission updates and reminded the Commission that the November meeting has been moved forward one week to the first Tuesday of the month, so as not to coincide with this year’s political election.

00:42:50 – Chair Womack opened the floor to public comments.

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Public Comments:

00:43:14 – A member of the public from Chatham County expressed interest in obtaining a copy Vice-Chair Lister’s review of the current rules. Further, a desire for a notification list for meetings was expressed.

00:44:35 – A member of the public asked for a list of costs for maintaining the Oil and Gas Commission over the last three years. Chair Womack said that should not be a problem but asked that the citizen submit a formal public records request to Dr. Taylor.

00:47:01 – Chair Womack opened the meeting for Commissioners’ concluding remarks.

Commissioners’ Concluding Remarks:

00:48:10 – Commissioner Howard informed the Commission that she had been on the call for the meeting but had difficulty connecting to the WebEx system.

00:48: 20 - Several Commissioners welcomed the in-coming Commissioners.

00:50:48 – Chair Womack adjourned the meeting.

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