

259.85 SUBSURFACE INJECTION OF WASTE.

The defendant has been charged with the subsurface injection of waste.

For you to find the defendant guilty of this offense, the State must prove two things beyond a reasonable doubt.

First, that the defendant knowingly disposed of wastes produced in connection with oil and gas exploration, development, and production, and use of horizontal drilling and hydraulic fracturing treatments.

And Second, it was by injection to [subsurface] [groundwaters] of the State by means of wells.<sup>1</sup>

If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant disposed of wastes produced in connection with oil and gas exploration, development, and production, and use of horizontal drilling and hydraulic fracturing treatments, and it was by injection to [subsurface] [groundwaters] of the State by means of wells, it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt as to one or both of these things, it would be your duty to return a verdict of not guilty.

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<sup>1</sup> N.C. Gen. Stat. § 143.214.2(b) provides “[t]he discharge of any wastes to the subsurface or groundwaters of the State by means of wells is prohibited. This section shall not be construed to prohibit (i) the operation of closed-loop groundwater remediation systems in accordance with N.C. Gen. Stat. § 143-215.1A or (ii) injection of hydraulic fracturing fluid for the exploration or development of natural gas resource.”