

# Mining Commission Rule Readoption Timeline

- Staff/Mining Stakeholder Group to complete draft rule amendments – **October 31, 2024**
- Rules Sub Committee review of draft amendments – **early November 2024.**
- Rules Sub Committee to hold meeting to discuss draft rule amendments - **late November 2024**
- Staff to develop fiscal analysis and have OSBM approval – **November 2024 – February 2025**
- Three new commission members join for **January 2025** meeting. Two of the commissioners whose terms are expiring in December 2024 (Sam Bratton and Brian North) are on the rules committee, so we'll new members to act on the Rules Sub Committee, which can be decided at the **January 2025** meeting.
- Rules Sub Committee review of draft fiscal analysis – **early March 2025**
- Rules Sub Committee to hold meeting to discuss fiscal analysis - **late March 2025**
- Mining Commission regularly scheduled meeting to approve the draft rules and fiscal analysis to proceed to public comment – **April 15, 2025**
- Rules filed for publication in the NC Register – **End of April 2025**
- Earliest hearing date can occur on or after – **Mid May 2025**
- End of public comment period – **End of July 2025 Early August 2025**
- Staff to develop Hearing Officer's Report (HOR) – **Early August 2025 – Early September 2025**
- Rules Committee to review draft HOR – **Mid to Late September 2025**
- Rules Committee to hold meeting to discuss the HOR – end of **October 2025**
- Mining Commission's regularly scheduled meeting **January 2026**. New Commissioners will be starting at this meeting and will need to be introduced to the rule readoption process.
- Mining Commission's regularly scheduled meeting to approve the Financial Regulatory Impact Analysis (RIA) and adopt the rules – **April 2026.**
- Action: Approve readoption deadline of **July 2026**, to submit to the RRC.
- The Commission may adopt the rules at its **April 2026 meeting.**

- Proposing a readoption date of July 2026, builds in a buffer in the event of unforeseen circumstances occurring. This also allows the Commission to not have to hold a special meeting in the event a delay has occurred during the rulemaking steps.

## An example of some of the Mining rules Currently under review or still yet to be reviewed by the Mining Stakeholder Review Group.

### 05B .0202 – Authorities and Definitions

- New Definitions are needed to address “Administrative Permit Changes”, Transfer Material, Buffers, Related activities (i.e. Timbering, agricultural, etc.) Definition for onsite construction and non-public roads are needed to clarify exemptions to the mining act under 74-49(7).

### 05B .0103 – Bonding Requirements

- Current Bond reclamation calculation and \$/acre for activity type need to be updated and put into rule. Alignment with current costs and collaboration with NCDOT to determine their current costs for reclaiming like activities.
- All currently used bond forms.
- Extension for submittal of bonds.

### 05B .0104 – Information Required in Permit Application

- Updating mapping requirements to better align with current mapping technology and review requirements.
- New rules to address changes in electronic permit submissions and update for changes in technology, including drone inspection forms.
- Clarification of authority of agent to sign and submit permit on behalf of permittee.
- Landowner agreements for reclamation

### 05B .0105 – Conditions that may be included in Permit.

- Hydrogeological analysis and groundwater monitoring to cover mine dewatering.
- How to handle backfilled excavations and alignment with current DWM rules that regulate like activities.

#### 05B .0107 – Modification of Mining Permit

- Map requirements for Modifications. Complete submittal versus submittal to cover only the area modified.
- Map Requirements for Transfers

#### 05B .0111 – Public Hearings

- By statute a public hearing shall be held when there is significant public interest. A rule can be written to better clarify when significant public exists.

#### 05B .0112 – Permit Application Processing Fees

- Clarification of acreage when determining the application fee. This includes elimination of gray area and what to do when an application is received without a fee.

#### 05B .0113 – Response to Deadline to Department’s Request(s)

- Clarification of the format of the submittal to cover changing technology. Paper submissions versus electronic submissions.

#### NEW RULE – Blasting

- Blasting Regulations, including tables charts and limits for air overpressure and ground movement. This will also need to include formulas in case of seismograph failure. There are varying standards for industry constants.

#### NEW RULE - Transfers

- Time between sale of business /transfer of assets and transfer of permit?

#### NEW RULE – Permit Review

- Current Life of Mine permits have removed the renewal process. It is possible that a permit once issued may never be reviewed again. A new rule clarifying that the permit, although issued for life of site may need to go through a review process, where updated maps and activities are provided to the Department. Alignment with other agencies (DWM) on their process.