

Minutes

North Carolina Mining Commission – Committee on Rules Readoption Meeting

This meeting will be held via webinar.

October 17, 2022, 2:00 pm

The State Government Ethics Act mandates that, at the beginning of each meeting, the Chair shall remind all members of their duty to avoid conflicts of interest and inquire as to whether any member knows of a conflict with respect to matters coming before the Commission at this meeting. If any member knows of a conflict, please so state at this time.

Mr. Samuel Bratton, Committee Chair, Presiding

I. Preliminary Matters

A. Call to Order 2:10pm

B. Recognition of Those Attending

Mr. Bratton

Dr Taylor, Mr. North, Mr. Miller

Jay Stem, Dr. Spooner, Mr. Davis, Ms. Lew

II. Action Items

Review Rule Re-Adoption Recommendation by DEMLR staff.

(Copy of staff recommendation available at: <https://deq.nc.gov/about/boards-and-commissions/nc-mining-commission>)

The committee reviewed the staff recommendations. There were three items they took pause with:

15A NCAC 05F .0108 ADMINISTRATIVE REMEDIES, within 60 days after receipt of notification of any civil penalty assessment, the person against whom the civil penalty is assessed may contest the decision of the department by filing a petition as described in G.S. 74-61 and G.S. 150B-23.

The staff had said it was necessary. The committee said un-necessary because it is covered by the law.

>>>The DEMLR's staff re-reviewed this rule after the meeting and concurs with the committee, it is unnecessary.

15A NCAC 05F .0112 FURTHER REMEDIES No provision of this Subchapter shall be construed to restrict or impair the right of the director or the Mining and Energy Commission to pursue any other remedy provided by law for violations of the Mining Act of 1971 or the rules of this Chapter.

The staff had marked the rule as necessary. The committee felt it was un-necessary, since the law address penalties.

>>>The DEMLR's staff re-reviewed after the meeting and still feels it is necessary because it addresses items not covered by the Law, such as blasting and other programs rules.

15A NCAC 05G .0103 PROCEDURES FOR OBTAINING PERMITS, The application for and issuance of exploration permits is governed by the procedures in this Subchapter.

Initially the committee felt this was un-necessary until it was pointed out that this is part of the Uranium Law. Once it was realized that this was part of the Uranium Law it was decided it was necessary. which concurs with the staff recommendations.

III. Adjournment, 2:50 pm.