

**North Carolina Mining Commission**

**June 2, 2023  
10:00 AM – 12:00 PM**

**Rules Committee Agenda  
Samuel Bratton Presiding**

*The Mining Commission Rules Committee will hold the June 2 meeting virtually. The audio and presentations will be broadcast via the state web conferencing link posted on the Mining Commission website at: <https://www.deq.nc.gov/about/boards-and-commissions/nc-mining-commission>. The public may access the meeting using the following link: <https://tinyurl.com/mr46pdry>*

**I. Preliminary Matters**

**Mr. Bratton**

**A. Call to Order** *Chairman Bratton called the meeting to order at 10:06 AM.*

**B. Roll call** *Present: Brian North, Dr. Taylor, and Sam Bratton*

*The following where present from DEQ: David Miller, Adam Parr, Douglas Ansel*

*From DOJ: Reynolds*

*Per Teams login the following were present: Jay Stem, Tracy Davis, Bryant Madison, Gabriel Garrison, Kari Barsness*

**C. Notice of NCGS §138A-15**

*The Elections and Ethics Enforcement Act mandates that the Chair inquire as to whether any member knows of any known conflict of interest or appearance of conflict with respect to matters before the Commission. Executive Order 34 requires any member to recuse herself or himself from voting on any matter before this Commission which would confer a financial benefit on the member. If any member knows of a conflict of interest, appearance of a conflict, or possible financial benefit please so state at this time.*

*No one said they had a conflict.*

**II. Old Business**

**A. Approval of Minutes**

**Mr. Bratton**

*Mr. North moved to accept minutes as is, Dr. Taylor second.  
Roll call vote: Mr. North, yes, Mr. Taylor, yes, Mr. Bratton, yes.*

**III. New Business:**

**A. Overview of Rules Readoption Process**

**Douglas Ansel, Acting Director**

*The Division will review the ongoing process for Rules Readoption, including what is to be addressed in the two-phase approach the Commission is pursuing, as well as where the Commission currently is in the process.*

*Director Ansel discusses the two-part path that was being followed. Stressing that we are in the first half of the process which is the technical element.*

**IV. Continue Phase One of Readoption**

**A. Staff Recommendations**

**Adam Parr and David Miller, DEMLR**

Program staff will provide a presentation of the technical and administrative changes recommended by staff to the Mining Program Rules deemed by the Commission as necessary.

*Mr. Parr presented the technical corrections that had been identified by Boyd Devane. Mr. Devane is a retired State employee who has a great deal of rule development knowledge and has developed this report for DEMLR.*

**B. Commission Review and Discussion**

*Items which the committee focus on are:*

*On page 1 line 27, currently written as:*

*the issuance, denial, modification, ~~renewal~~, suspension and revocation of permits;*

*The committee recommended:*

*the issuance, denial, modification, renewal, suspension, transfer, and revocation of permits;*

*On page 3, line 32 to page 4, line 2, the committee requested a comparison be made between the proposed insertion and the Erosion and Sediment control rules.*

*On page 4, line 5, "sate" should be "state."*

*On page 6, lines 6 through 14. The maximum amount per acre cost had been raised from \$5,000 to \$15,000, Mr. North asked how was the \$15,000 was determined?*

*On page 6, lines 23 through 28. This part of the rule gives the Director the authority to raise the amount of bond to be greater than \$1,000,000.00, if the company's does not have a good operating record.*

*The committee felt this needed rewording to state that the maximum bonding allow under law is \$1,000,000.00 (per NCGS §74-54).*

*On page 7, line 25. For the Division of Air Quality there are three possible approaches a site could take: permitted, registered, or exempted from permitting. The adjusted wording only lists the permitting option. The wording needs to be adjusted to address the varying options.*

*On page 8, line 17 through 19: Wording is un-clear.*

*On page 8, starting with line 34, added "Mine Map boundaries," to list.*

*On page 9, lines 1 and 2. Removed (Processing plants may be described as to location and distance from mine if sufficiently removed) and reword.*

*On page 10, line 14, add period at end.*

*On page 10, line 22, add period after "sediment" and strike the remainder of sentence.*

*On page 10, line 29 through 36. B .0106 has been determined to be necessary. Retain and reword.*

*On page 11, line 24, the committee wants the term "significant public interest" defined and how the evaluation is to be made.*

*On page 11, line 37 and 38. leave old wording.*

*On page 12, line 1, leave "Within ten days."*

*On page 12, line 14, added "transfer."*

*On page 13, staff raised the question what to about fees for sites that fell into the >25 acre but <26 acres. By the way the law is currently written the fee structure does not address this acreage.*

*On page 13, line 42, added transfer to this list.*

*On page 18, line 24, Dr. Taylor feels that the method reference is not stringent enough. The hole needs to be filled with concrete.*

## **V. Upcoming Items**

### **A. Prepare for Phase Two of Readoption**

#### **1. Proposed Topics** *Held over to the next meeting.*

**Adam Parr, DEMLR**

Program staff will present a list of topics the Program has identified as being beneficial to address and for which it will be drafting proposed rules for the Commission to consider later this year.

#### **2. Adopt Policies to Solicit Feedback and Suggestions** *Held over to the next meeting.* **Mr. Bratton**

The Committee will discuss and adopt a process by which the public and industry can provide suggestions and feedback to the Committee for consideration. The Mining Program has proposed the following:

- (1) Establish minimum criteria for topic suggestions (Statute and/or Rule reference, wording of proposed change or underlying concept, any economic impacts)
- (2) Require that new topics or suggestions be submitted in advance. No new topics or language suggestions will be accepted from the floor during Committee meetings.
- (3) Setup a rule suggestion email list
- (4) Solicit feedback for a set period of time (30/60 days).
- (5) Mining Program to incorporate all topic suggestions into a spreadsheet to be circulated to committee members and posted online at least 48 hours prior to a scheduled Committee meeting. Topics will be grouped into subsets for discussion purposes.
- (6) Upon discussion of each topic group, Mining Program to develop proposed rule language for review by the Committee.
- (7) The Committee will review proposed language and either give instruction to the Mining Program regarding how to modify the language for additional review or will vote to finalize the language for presentation to the Commission.
- (8) Once all new rules have been finalized, the Committee will perform a final comprehensive review and vote to present the final rules package to the Commission for review and approval.

### **B. Future Committee Meetings**

**Mr. Bratton**

*The next committee meeting will be held on July 17, 2023, at 2 PM to 4 PM. The meeting will be a Teams meeting.*

## **VI. Closing Remarks.** *None.*

**Mr. Bratton**

Adjournment June 2, 2023