

Burgos, Alexander N

From: Unnone, Victor <vunnone@ncdoj.gov>
Sent: Tuesday, July 28, 2026 4:33 PM
To: Ascher, Seth M; Wiggs, Travis C; rrc.comments
Cc: Miller, Christopher S; Vinson, Toby; Everett, Jennifer; Parr, Adam; Burgos, Alexander N
Subject: Re: [External] Mining Commission Exemption Request

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Hi Seth,

Thank you for your response. That all makes sense to me.

Best,
Victor



Victor A. Unnone III

North Carolina Department of Justice
Environmental Division
919-716-6978
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114 W. Edenton St., Raleigh, NC 27603
ncdoj.gov

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From: Ascher, Seth M <seth.ascher@oah.nc.gov>
Sent: Tuesday, July 28, 2026 12:41 PM
To: Unnone, Victor <vunnone@ncdoj.gov>; Wiggs, Travis C <travis.wiggs@oah.nc.gov>; rrc.comments <rrc.comments@oah.nc.gov>
Cc: Miller, Christopher S <christopher.miller@oah.nc.gov>; Vinson, Toby <toby.vinson@deq.nc.gov>; Everett, Jennifer <jennifer.everett@deq.nc.gov>; Parr, Adam <adam.parr@deq.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: Re: [External] Mining Commission Exemption Request

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Victor,

Apologies for the delayed response on this.

As you are aware, your agency is in a somewhat novel situation because of the changes to the Mining Commission at the end of the 2014 periodic review cycle delaying your readoptions past 2024. It is my understanding that if the RRC approves the rules pending at the July meeting, this will complete the 2014 readoption cycle with all of your rules having a readoption date in 2026. It is my opinion that this would allow the RRC discretion to exempt your rules from the 2024 decennial review pursuant to G.S. 150B-21.3A(d)(1).

In managing these timelines, my recommendation is going to be to try to set up your next readoption to be as close to 10 years after this one as we can get. I intend to recommend that the RRC grant your exemption request with the intent to put your rules early in the next (2034) periodic review cycle, which would put the likely next readoption for these rules in 2038 (12 years between readoptions). If the RRC is not inclined to grant your exemption request, in scheduling readoption dates for the 2024 cycle I would recommend putting you as late as possible in the present cycle, which would likely be 2034 (8 years between readoptions).

If RRC does not approve your rules at the July meeting (due to an extension or otherwise), I will recommend that your exemption request be taken up in a future meeting when your rules are finalized.

Hopefully that makes sense. Let me know if you have any questions.

Seth Ascher

Counsel to the North Carolina Rules Review Commission
Office of Administrative Hearings
(984) 236-1934

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From: Unnone, Victor <vunnone@ncdoj.gov>

Sent: Thursday, July 16, 2026 4:51 PM

To: Wiggs, Travis C <travis.wiggs@oah.nc.gov>; rrc.comments <rrc.comments@oah.nc.gov>

Cc: Ascher, Seth M <seth.ascher@oah.nc.gov>; Miller, Christopher S <christopher.miller@oah.nc.gov>; Vinson, Toby <toby.vinson@deq.nc.gov>; Everett, Jennifer <jennifer.everett@deq.nc.gov>; Parr, Adam <adam.parr@deq.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>

Subject: Re: [External] Mining Commission Exemption Request

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Mr. Wiggs,

Thank you for adding the Mining Commission's exemption request to the agenda for the RRC's July 2026 meeting. I will be prepared to answer any questions the Commissioners may have at that time.

Best,
Victor



Victor A. Unnone III

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From: Wiggs, Travis C <travis.wiggs@oah.nc.gov>

Sent: Thursday, July 16, 2026 12:33 PM

To: Unnone, Victor <vunnone@ncdoj.gov>; rrc.comments <rrc.comments@oah.nc.gov>

Cc: Ascher, Seth M <seth.ascher@oah.nc.gov>; Miller, Christopher S <christopher.miller@oah.nc.gov>; Vinson, Toby <toby.vinson@deq.nc.gov>; Everett, Jennifer <jennifer.everett@deq.nc.gov>; Parr, Adam <adam.parr@deq.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>

Subject: Re: [External] Mining Commission Exemption Request

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EXTERNAL SENDER: This email originated from outside the organization. Do not click on links or open attachments unless you can validate the sender and the contents are safe.

Mr. Unnone,

Thank you for the email and letter. We will add the Mining Commission's exemption request to the agenda for the RRC's July 2026 meeting. Seth Ascher is out of the office until Monday, but this item will likely be handled by him at the meeting.

Pursuant to 26 NCAC 05 .0209(f), the RRC shall conduct a public hearing to consider your agency's request. Please be prepared to answer any questions the Commissioners may have about the exemption request.

Thanks,

Travis C. Wiggs
Rules Review Commission Counsel
Office of Administrative Hearings
Telephone: 984-236-1929
Email: travis.wiggs@oah.nc.gov

From: Unnone, Victor <vunnone@ncdoj.gov>

Sent: Wednesday, July 15, 2026 6:55 PM

To: rrc.comments <rrc.comments@oah.nc.gov>

Cc: Wiggs, Travis C <travis.wiggs@oah.nc.gov>; Ascher, Seth M <seth.ascher@oah.nc.gov>; Miller, Christopher S <christopher.miller@oah.nc.gov>; Vinson, Toby <toby.vinson@deq.nc.gov>; Everett, Jennifer <jennifer.everett@deq.nc.gov>; Parr, Adam <adam.parr@deq.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>

Subject: [External] Mining Commission Exemption Request

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Chair Parker and Commission Members,

Please see the attached request from the Mining Commission seeking an exemption from the current 2024 Periodic Review Schedule. As noted in the request, The Mining Commission is currently in the process of completing rule readoption under the 2014 Periodic Review Schedule. I understand that the RRC will be reviewing those rules at its July meeting. If the RRC believes it would be helpful to take this request up at that time, I would be happy to answer any questions the RRC may have. Please let me know if there is any additional information I can provide. I look forward to working with the RRC on this matter.

Best regards,
Victor



Victor A. Unnone III

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