

Burgos, Alexander N

Subject: FW: [External] Re: NC Mining Commission - Rules for July 2026 RRC Meeting
Attachments: 15A NCAC 05A .0101 (final).docx; 15A NCAC 05A .0202 (final).docx; 15A NCAC 05B .0103 (final).docx; 15A NCAC 05B .0104 (final).docx; 15A NCAC 05B .0105 (final).docx; 15A NCAC 05B .0106 (final).docx; 15A NCAC 05B .0110 (final).docx; 15A NCAC 05B .0111 (final).docx; 15A NCAC 05B .0112 (final).docx; 15A NCAC 05B .0113 (final).docx; 15A NCAC 05B .0114 (final).docx; 15A NCAC 05B .0115 (final).docx; 15A NCAC 05B .0116 (final).docx; 15A NCAC 05B .0117 (final).docx; 15A NCAC 05F .0101 (final).docx; 15A NCAC 05F .0103 (final).docx; 15A NCAC 05F .0105 (final).docx; 15A NCAC 05F .0106 (final).docx; 15A NCAC 05F .0111 (final).docx; 15A NCAC 05F .0112 (final).docx; 15A NCAC 05G .0103 (final).docx; 15A NCAC 05G .0104 (final).docx; 15A NCAC 05G .0105 (final).docx

From: Miller, Christopher S <christopher.miller@oah.nc.gov>
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Subject: RE: [External] Re: NC Mining Commission - Rules for July 2026 RRC Meeting

Great – thank you, Adam.

I am attaching the final revised versions for all 23 rules. I anticipate recommending approval for all of these at the RRC meeting, but please be prepared to address any questions that may come up related to the comments filed in opposition to the rules.

Let me know if you notice any discrepancies in the rule versions before Thursday.

Regards,
Chris

Chris Miller
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1 15A NCAC 05A .0101 IS READOPTED WITH CHANGES AS PUBLISHED IN 40:08 NCR 733 AS FOLLOWS:

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3 **15A NCAC 05A .0101 NAME AND ADDRESS**

4 The name of this agency shall be the North Carolina Mining ~~and Energy~~ Commission. Its address is Department of
5 Environmental Quality, Environment, Health, and Natural Resources, ~~P.O. Box 27687,~~ 1612 Mail Service Center,
6 Raleigh, North Carolina 27611-27699-1612.

7
8 *History Note: Authority G.S. 143B-290;*

9 *Eff. February 1, 1976;*

10 *Amended Eff. January 31, 1979;*

11 *Readopted Eff. August 1, 1982;*

12 *Amended Eff. August 1, 2012 (see S.L. 2012-143, s.1.(d)); April 1, 1990;*

13 *Readopted Eff. August 1, 2026.*

1 15A NCAC 05A .0202 IS READOPTED WITH CHANGES AS PUBLISHED IN 40:08 NCR 733 AS FOLLOWS:

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3 **15A NCAC 05A .0202 DELEGATION AUTHORITIES AND DEFINITIONS**

4 (a) The Director, Division of Energy, Mineral, and Land Resources, Department of Environmental Quality,
5 Department of Environment, Health, and Natural Resources, shall have the following powers and duties with regard
6 to necessary to administer the administration of the Mining Act of 1971-1971, as set forth in Article 7, Chapter 74 of
7 the General Statutes, including:

- 8 (1) the issuance, denial, modification, renewal, ~~suspension~~ suspension, transfer, and revocation of
- 9 permits;
- 10 (2) the approval of reclamation plans;
- 11 (3) the initiation of forfeiture proceedings;
- 12 (4) the giving of notices, setting of [hearings] hearings, and taking of action upon findings of violations;
- 13 and
- 14 (5) the institution of all criminal and civil actions.

15 (b) The Director, Division of Energy, Mineral, and Land Resources, Department of Environmental Quality,
16 Department of Environment, Health, and Natural Resources shall have the following powers and duties necessary to
17 administer with regard to the administration of the Control of Exploration for Uranium in North Carolina Act of 1983-
18 1983, as set forth in Article 8, Chapter 74 of the General Statutes, including:

- 19 (1) the issuance, denial, modification, renewal, ~~suspension~~ suspension, transfer, and revocation of
- 20 permits;
- 21 (2) the review of the plans for the initiation and approval of the abandonment of affected land;
- 22 (3) the inspection and approval of the abandonment of affected land;
- 23 (4) the giving of notices, setting of hearings, and taking of action upon findings of violations; and
- 24 (5) the institution of all criminal and civil actions.

25 (c) The definitions found in Article 7 of Chapter 74 of the General Statutes and the following definitions apply to
26 Subchapters 05A, 05B, [05F] 05F, and 05G of Chapter 5 of Title 15A of the North Carolina Administrative
27 Code:

- 28 (1) “Administrative [Change”] change” means any change initiated by the Department or requested by
29 the applicant to correct [errors] errors, [including,] including grammatical errors, typographical
30 errors, and map inaccuracies, that do not substantively change the permit.
- 31 (2) “Affected land”, as defined in G.S. [74-49(1)] 74-49(1), shall not include an unrelated use that (i)
32 does not meet the definition of mining set forth in G.S. 74-49(7) and (ii) [that] occurs within the
33 permit boundaries, including activities pertaining to agriculture and silviculture including timber
34 harvesting, (iii) where an erosion and sedimentation plan is approved pursuant to G.S. 113A, Article
35 4, when required, and (iv) the unrelated use area is shown on the mine map.
- 36 (3) "Contaminants" shall be defined as set forth in [42 USC 9601(33)] 42 U.S.C. 9601(33), "Pollutants
37 or Contaminants", which is hereby incorporated by reference, including any amendments or

subsequent editions. Copies may be accessed at <https://www.govinfo.gov/content/pkg/USCODE-2023-title42/html/USCODE-2023-title42-chap103-subchapI-sec9601.htm> at no charge.

(4) "Director" means the Director of the Division of Energy, ~~Mineral~~ Mineral, and Land Resources of the Department of Environmental Quality, or any ~~Department~~ position to which the Director has delegated ~~their~~ his or her authority.

(5) "Division" means the Division of Energy, Mineral, and Land ~~Resources~~ Resources of the Department of Environmental Quality.

(6) "Filed" or "Filing", as applicable to G.S. 74-51(b), shall be deemed to occur at the start of the following business ~~day~~ day when an application is submitted electronically outside of business hours.

(7) "Mining ~~Buffer~~ buffer" means an unexcavated, undisturbed, or vegetative area managed to protect adjacent land owners or ~~areas needing spatial protections~~ area of special concern.

(A) "Unexcavated" means no mine excavation shall occur. Unexcavated buffers may be used for roadways, ~~berms~~ berms, and erosion and sedimentation control or stabilization. Excavation may be allowed for sediment basins or erosion and sedimentation control when shown on the mine map.

(B) "Undisturbed" means no disturbance shall occur.

(C) "Vegetative ~~Buffer~~ buffer" means an unexcavated buffer that may be managed through landscaping or additional plantings.

(8) "Non-public ~~roads~~ road" means any private road that is not maintained by the State or ~~had~~ has no maintenance requirements delegated to a municipality. Temporary access roads utilized for exploratory purposes shall not be considered non-public roads when they comply with any requirements for approvals pursuant to G.S. 113A, Article 4.

(9) "Notice", as applicable to G.S. 74-50(b3), includes written or electronic correspondence.

(10) "On-site ~~Construction~~ construction" means development of a site where the primary purpose is to construct, develop, or ~~erect~~ erect structures, infrastructure, or waste facilities, and the removal, but not sale, of any extracted material off-site is incidental to the primary purpose and ~~time limited~~ time-limited.

(11) "Transfer ~~Material~~ material" means material brought into the mine permit boundary for the purpose of blending, recycling, or upgrading of ~~onsite~~ on-site materials for the purpose of resale.

History Note: Authority G.S. 74-50 through 74-53; 74-56 to 74-59; ~~74-63~~; ~~74-75~~ through ~~74-85~~; 74-87; ~~143B-290~~; ~~143B-290~~;
Eff. February 1, 1976;
Amended Eff. January 31, 1979; September 3, 1976;
Readopted Eff. August 1, 1982;
Amended Eff. August 1, 2012 (see S.L. 2012-143, s.1(f)); April 1, 1990; December 1, 1983;

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Readopted Eff. August 1, 2026.

2

1 15A NCAC 05B .0103 IS READOPTED AS PUBLISHED IN 40:08 NCR 733 WITH CHANGES AS FOLLOWS:

2
3 **15A NCAC 05B .0103 BONDING REQUIREMENTS**

4 (a) After an application for a new mining ~~permit permit, or~~ permit ~~renewal, modification, modification,~~ or transfer is
5 ~~considered approvable-~~ approved by the Department, an applicant or permittee ~~shall-must~~ file a bond with the
6 Department in an amount to be determined by the ~~Director.~~ Director in accordance with this Rule and G.S. 74-54.

7 (b) If the applicant or permittee disagrees with the bond amount determined by the Director, the applicant or permittee
8 may submit to the Director for consideration, an estimate of reclamation costs from a third-party contractor to be used
9 as the bond amount. The estimate shall be provided to the Director within 30 days following the receipt of the
10 Director's initial bond determination. After considering the estimate and recommendations ~~provided by Division his~~
11 staff, the Director shall notify the applicant or permittee of ~~his the~~ the bond determination and the process and conditions
12 used to set the bond amount.

13 (c) The Director ~~may shall invite allow~~ the applicant or permittee to submit to the Department an estimate of
14 reclamation costs from a third-party contractor for the Director's use in determining the initial required bond amount.
15 After considering the estimate and the recommendations provided by ~~his~~ Division staff, the Director shall notify the
16 applicant or permittee of ~~his the~~ the initial bond determination and the process and conditions used to set the bond amount.

17 (d) The amount of the bond shall be based on the costs to reclaim the affected land as determined by the reclamation
18 plan approved pursuant to G.S. 74-53 and ~~15A NCAC 5B .0004(b).~~ 15A NCAC 05B .0104(b). ~~The bond amount shall~~
19 ~~be based on a range of five hundred dollars (\$500.00) to five thousand (\$5000.00) per acre of land approved by the~~
20 ~~Department to be affected.~~ If the mining permit is modified to increase the total affected land, the bond shall be
21 increased ~~accordingly~~ pursuant to this Rule. The Director shall consider the method and extent of the required
22 reclamation for a particular site in determining the bond amount. As areas at a site are reclaimed and formally released
23 by the Department, the permittee may substitute a bond in an amount determined by the Department in accordance
24 with this Rule covering the remaining affected land at the site for the bond previously filed with the Department;
25 otherwise, without such bond substitution, the Department shall retain the previously filed bond until all reclamation
26 has been completed and approved by the Department.

27 (e) The initial bond calculation amount shall be based upon the criteria included in the table in Subparagraph (1) of
28 this Paragraph and applied per acre of land to be affected approved by the [Department to be affected.] Department.
29 The criteria in Subparagraph (1) of this Paragraph does not apply to existing bonds already on file with the Department,
30 until action is required to change the bond, including new, [transfer] transferred, and modified mining permits on file
31 with the [Department or compliance action taken by the Department.] Department, or pursuant to compliance action
32 taken by the Department resulting in requirement for an application for new, [transferred] transferred, or modified
33 mining permits.

34 (1) Table of Mining Reclamation Factors.

35

<u>Commodity Codes:</u>			
<u>SG</u>	<u>Sand and/or Gravel</u>	<u>PF</u>	<u>Pyrophyllite</u>

<u>GS</u>	<u>Gemstone</u>	<u>OL</u>	<u>Olivine</u>
<u>Borrow</u>	<u>Borrow/fill dirt</u>	<u>KY</u>	<u>Kyanite/Sillimanite/Andalusite</u>
<u>CS</u>	<u>Crushed Stone</u>	<u>PH</u>	<u>Phosphate</u>
<u>DS</u>	<u>Dimension Stone</u>	<u>CL</u>	<u>Clay/Shale</u>
<u>FS</u>	<u>Feldspar</u>	<u>PE</u>	<u>Peat</u>
<u>MI</u>	<u>Mica</u>	<u>AU</u>	<u>Gold</u>
<u>LI</u>	<u>Lithium</u>	<u>TI</u>	<u>Titanium</u>

<u>Type</u>	<u>Tailings/ Sediment Ponds (Lake)</u>	<u>Tailings/ Sediment Ponds (Filled In)</u>	<u>Stockpiles</u>	<u>Wastepiles</u>	<u>Processing Area/Haul Roads</u>	<u>Mine Excavation (Lake)</u>	<u>Mine Excavation (Positive Drainage)</u>
<u>SG,GS, Borrow</u>	[\$810] \$820	[\$2,430] \$2,460	[\$2,916] \$2,952	[\$3,240] \$3,280	[\$2,916] \$2,952	[\$810] \$820	[\$3,240] \$3,280
<u>CS, DS, FS, MI, LI, PF, OL, KY</u>	[\$810] \$820	[\$2,430] \$2,460	[\$2,916] \$2,952	[\$3,240] \$3,280	[\$3,240] \$3,280	[\$810] \$820	[\$4,050] \$4,100
<u>PH</u>	[\$1,620] \$1,640	[\$4,050] \$4,100	[\$4,050] \$4,100	[\$8,100] \$8,200	[\$8,100] \$8,200	[\$3,240] \$3,280	[\$8,100] \$8,200
<u>CL</u>	[\$1,620] \$1,640	[\$4,050] \$4,100	[\$4,050] \$4,100	[\$8,100] \$8,200	[\$8,100] \$8,200	[\$3,240] \$3,280	[\$5,994] \$6,068
<u>PE, AU, TI, OT</u>	[\$1,620] \$1,640	[\$4,050] \$4,100	[\$4,050] \$4,100	[\$4,860] \$4,920	[\$5,670] \$5,740	[\$3,240] \$3,280	[\$8,100] \$8,200

(2) ~~the~~ The amounts included in Subparagraph (1) of this Paragraph shall be increased by two percent on July 1, 2027, and by two percent on each July 1 thereafter. ~~per year on an annual basis beginning on July 1, 2027.~~

(3) ~~the~~ The Department shall publish the Mining Reclamation Factors that will be in effect on July 1 of each year in the offices of the Department and on the Department's website.

(f) The final bond amount shall be calculated by increasing the initial bond calculation from Paragraph (e) of this Rule, by two percent per year of the estimated life of mine or life of lease to account for estimated inflation. The calculation shall be performed by Simple interest: Bond = Current Bond Value x (1+(.02 x # of years)).

(g) If an applicant or permittee has multiple sites, the applicant or permittee may file a separate bond with the Department for each site or the applicant or permittee may submit one blanket bond covering all sites in the aggregate amount of all bond totals. Once the total amount of all bonds for separate sites or the total blanket ~~bond(s)~~ bond for all sites reaches ~~five hundred thousand dollars (\$500,000)~~ one million dollars (\$1,000,000):

(1) the applicant or permittee with separate bonds may substitute a ~~five hundred thousand dollar (\$500,000)~~ one million dollars (\$1,000,000) blanket bond to be used for all future sites, or

(2) the applicant or permittee with ~~five hundred thousand dollar (\$500,000)~~ one million dollars (\$1,000,000) blanket bond covering all sites may use that blanket bond for all future ~~sites~~, sites.

~~if the Director finds that the applicant or permittee, in either case, has a good operating record, that the five hundred thousand dollars (\$500,000) is sufficient to reclaim all sites and that no additional reclamation bond money is needed.~~

~~If the Director finds that the applicant or permittee does not have a good operating record, that the five hundred thousand dollars (\$500,000) is not sufficient to reclaim all sites, or that additional reclamation money is needed, the Director shall require per acreage bonding for future sites as provided in Paragraph (d) of this Rule.~~

~~(f) For the purposes of this Rule, a good operating record is defined as two consecutive years of operation within the State of North Carolina without final assessment of a civil penalty or other enforcement action pursuant to G.S. 74-64, or having a permit suspended or revoked under G.S. 74-58, or having a bond or other surety forfeited under G.S. 74-59. For the purposes of this Rule, a bond shall include any and all types type of security allowed under G.S. 74-54.~~

~~(h) In accordance with G.S. [74-51(h)] 74-51(h), no permit shall be issued until the operator deposits with the Department a reclamation bond pursuant to G.S. 74-54. Upon written request of the applicant or permittee to the Director, an additional specified period of time to deposit the bond, not to exceed 60 [days] days, shall be granted by the Director.~~

~~(i) In accordance with G.S. [74-51(d)(1)] 74-51(d)(1), failure to provide the required bond [security] within the specified time period, or any extension granted pursuant to Paragraph (h) of this Rule, shall result in denial of the application.~~

~~(j) Any bond deposited with the Department shall include the following elements:~~

~~(1) Surety Bonds:~~

~~(A) Name, [address] address, and type of business entity of Principal exactly matching name of Permittee;~~

~~(B) The State of North Carolina, Department of Environmental [Quality] Quality, 1612 Mail Service [Center] Center, Raleigh, North Carolina 27699-1612 as the Obligee;~~

~~(C) Name and address of Surety authorized by the Insurance Commissioner of North Carolina to do business in North Carolina;~~

~~(D) Sum of bonded amount required under this Rule;~~

~~(E) Conditioned that the Principal conducts or will conduct mining operations in North Carolina as described in the application for an operating permit which includes a Reclamation Plan as provided in G.S. 74-53 and has obtained approval of the application from the Department of Environmental Quality;~~

1 (F) Further conditioned that if the Principal shall comply with the requirements set forth in
2 ["The Mining Act of 1971" (G.S. 74-46 through 74-68)] The Mining Act of 1971, G.S. 74-
3 46 through 74-68, and with the rules [and regulations] adopted pursuant thereto and
4 faithfully perform all obligations under their approved Reclamation Plan then this
5 obligation shall be null and void; otherwise to be and remain in full force and effect until
6 released by the Department of Environmental Quality in accordance with G.S. 74-56 or
7 canceled by the surety. Cancellation by the surety shall be effectuated only upon 60 days
8 written notice thereof to the Department of Environmental Quality and the operator as
9 provided in G.S. 74-54;

10 (G) Signature, [Name, Title and Attestation by Officer of the Principal;] name, title, and
11 attestation by officer of the Principal; and

12 (H) Notarization.

13 (2) Assignment of Savings Account:

14 (A) Name, [address] address, and type of business entity of Assignor exactly matching name
15 of Permittee;

16 (B) The State of North Carolina, Department of Environmental Quality, 1612 Mail Service
17 Center, Raleigh, North Carolina 27699-1612 as the Assignee;

18 (C) Name, [address] address, and account information for the bank holding assigned account;

19 (D) Sum of assigned amount required under this Rule;

20 (E) Statement that, in consideration of the promises contained in the agreement and the
21 Department accepting the assignment of the savings account in question, the Assignor sells,
22 assigns, [transfers] transfers, and sets over to the Department the sum in Part (j)(2)(D) of
23 this Rule and directly authorizes the bank holding the assigned account to pay over to the
24 Department the sum in Part (j)(2)(D) of this Rule upon request;

25 (F) Conditioned that if the Assignor conducts the mining operations faithfully, honestly, and
26 lawfully and in compliance with the requirements of the Mining Act of 1971 and applicable
27 rules [and regulations] adopted pursuant thereto, then the assignment shall be null and void;
28 otherwise it shall remain in full force and effect and that compliance with the requirement
29 of the Mining Act of 1971 and applicable rules [and regulations] shall be determined by
30 the Department;

31 (G) Specification that the assignment is made and held by the Department as collateral security
32 in lieu of a surety bond in accordance with ["The Mining Act of 1971" (G.S. 74-46 through
33 74-68)] The Mining Act of 1971, G.S. 74-46 through 74-68, to assure compliance and
34 reclamation of the permitted operation and for all direct or indirect liabilities of the assignor
35 Operator to the assignee Department that may arise by reason of the Mining Act 1971,
36 Article 7, Chapter 74 of the General Statutes of North Carolina;

37 (H) Signature, name, and title [Name and Title] of an officer of the Assignor;

- 1 (I) Notarization of the Assignor's signature;
- 2 (J) Signature, ~~[Name and Title]~~ name, and title of an officer of the bank holding the assigned
- 3 account acknowledging the assignment and committing that the funds assigned shall not
- 4 be disbursed except to the Department so long as the assignment remains in effect; and
- 5 (K) Notarization of the Bank's signature.
- 6 (3) Irrevocable Standby Letter of Credit (ILOC)
- 7 (A) Name, ~~[address]~~ address, and type of business entity of Operator exactly matching name
- 8 of Permittee;
- 9 (B) Name, ~~[address]~~ address, and type of business entity of Issuing Institution;
- 10 (C) The State of North Carolina, Department of Environmental Quality, ~~[Department of~~
- 11 Environmental Quality] 1612 Mail Service ~~[Center]~~ Center, Raleigh, North Carolina
- 12 27699-1612 as the Beneficiary;
- 13 (D) Effective Date of the ILOC;
- 14 (E) Automatic renewal clause, such that the ILOC is continuous in nature, subject to at least
- 15 60 days notice via certified mail, return receipt requested, to the Permittee and the
- 16 Department prior to nonrenewal;
- 17 (F) Sum of the ILOC required under this Rule;
- 18 (G) That the sum of the ILOC is available by the Department drafts on sight;
- 19 (H) Instructions for drafts by the Department;
- 20 (I) Non-transferability clause;
- 21 (J) Choice of Law provisions specifying North Carolina venue for all ~~[disputes]~~ disputes;
- 22 (K) Statement that the Issuing Institution agrees with the drawers, endorsers, and bona fide
- 23 holders that all drafts drawn under and in compliance with the terms of the ILOC will be
- 24 duly honored upon presentation to the Issuing ~~[Institution.]~~ Institution;
- 25 (L) Statement that the ILOC is being issued in lieu of a surety bond in accordance with ~~["The~~
- 26 Mining Act of 1971" (G.S. 74-46 through 74-68)] The Mining Act of 1971, G.S. 74-46
- 27 through 74-68, to assure compliance and reclamation of the permitted operation;
- 28 (M) Signature, ~~[Name and Title of an officer of the Issuing Institution;]~~ name, and title of an
- 29 officer of the Issuing Institution; and
- 30 (N) Notarization of the Issuing Institution officer's signature.
- 31 (4) Bank Guaranty
- 32 (A) Name, ~~[address]~~ address, and type of business entity of Operator exactly matching name
- 33 of Permittee;
- 34 (B) Name, ~~[address]~~ address, and type of business entity of Issuing Institution;
- 35 (C) The State of North Carolina, Department of Environmental Quality, ~~[Department of~~
- 36 Environmental Quality] 1612 Mail Service ~~[Center]~~ Center, Raleigh, North Carolina
- 37 27699-1612 as the Beneficiary;

- 1 (D) Effective Date of the guaranty;
2 (E) Automatic renewal clause, such that the guaranty is continuous in nature, subject to at least
3 60 days notice via certified mail, return receipt requested, to the Permittee and the
4 Department prior to nonrenewal;
5 (F) Sum of the guaranty required under this Rule;
6 (G) That the sum of the guaranty is available by the Department drafts on sight;
7 (H) Instructions for drafts by the Department;
8 (I) Non-transferability clause;
9 (J) Choice of Law provisions specifying North Carolina venue for all ~~[disputes]~~ disputes;
10 (K) Statement that the Issuing Institution agrees with the drawers, endorsers, and bona fide
11 holders that all drafts drawn under and in compliance with the terms of the guaranty will
12 be duly honored upon presentation to the Issuing ~~[Institution.]~~ Institution;
13 (L) Statement that the guaranty is being issued in lieu of a surety bond in accordance with
14 ["The Mining Act of 1971" (G.S. 74-46 through 74-68)] The Mining Act of 1971, G.S. 74-
15 46 through 74-68, to assure compliance and reclamation of the permitted operation;
16 (M) Signature, ~~[Name and Title]~~ name, and title of an officer of the Issuing Institution; and
17 (N) Notarization of the Issuing Institution officer's signature.
18 (5) Cash Deposit:
19 (A) Cash in the form of a cashiers or certified check in the sum required under this Rule; and
20 (B) Cover Letter specifically identifying Permittee and specifying the intended function of the
21 money to serve as the required bond amount under this ~~[Rule]~~ Rule.
22

23 *History Note:* Authority G.S. ~~7451; 7454; 74-51; 74-54;~~ 143B-290;
24 Eff. February 1, 1976;
25 Amended Eff. January 1, 1994; April 1, 1990; November 1, 1985; November 1, 1984;
26 Readopted Eff. August 1, 2026.
27

1 15A NCAC 05B .0104 IS READOPTED AS PUBLISHED IN 40:08 NCR 733 WITH CHANGES AS FOLLOWS:

2
3 **15A NCAC 05B .0104 INFORMATION REQUIRED IN PERMIT APPLICATION**

4 (a) The completed application for the mining permit shall include information concerning the mining operation and
5 a reclamation plan for the restoration of all affected land. Information required concerning the mining operation shall
6 include:

- 7 (1) materials to be mined;
- 8 (2) method of mining;
- 9 (3) expected depth of mine;
- 10 (4) size of the mine, including:
 - 11 (A) acreage for tailings ponds,
 - 12 (B) acreage for stockpiles,
 - 13 (C) acreage for waste piles,
 - 14 (D) acreage for processing plants,
 - 15 (E) acreage for mine excavation,
 - 16 (F) acreage for annual disturbance;
- 17 (5) anticipated effect on wildlife, freshwater, estuarine, or marine fisheries;
- 18 (6) ~~whether or not the mining operation will have a waste water wastewater discharge or air contaminant~~
19 ~~emission which that~~ will require a permit from the division of environmental management; Division
20 of Water Resources, an air contaminant emission that will require a permit from the Division of Air
21 Quality, or will have a stormwater discharge that will require a permit from the Division of Energy,
22 Mineral, and Land Resources;
- 23 (7) ~~method~~ methods to prevent physical hazard to any neighboring dwelling house, school, church,
24 hospital, commercial or industrial building, or public road if the mining excavation will come within
25 300 feet thereof;
- 26 (8) ~~measures to be taken required~~ to insure ensure against landslides and acid water pollution;
- 27 (9) ~~measures to be taken required~~ to minimize siltation of streams, lakes, or adjacent properties during
28 the mining operation;
- 29 (10) ~~measures to be taken required~~ to screen the mining operation from public view.
- 30 (11) name of mine and location;
- 31 (12) responsible officer contact information;
- 32 (13) site contact information; and
- 33 (14) statement of authority as provided in Paragraph (f) of this Rule, when necessary.

34 (b) Information required in the reclamation plan shall ~~include~~ include methods and construction details for:

- 35 (1) intended plan for overall mine reclamation, subsequent land use use, and the ~~general~~ methods to be
36 used in reclaiming the affected land;
- 37 (2) intended practices ~~to be taken required~~ to protect adjacent surface resources;

- (3) intended methods to prevent or eliminate conditions hazardous to animal or fish life in or adjacent to the affected areas;
- (4) intended methods of rehabilitation of settling ponds;
- (5) intended methods of restoration or establishment of stream channels and stream beds to a condition minimizing erosion, ~~siltation~~ siltation, and other pollution;
- (6) intended measures to stabilize slopes;
- (7) intended measures to provide for safety to persons and adjoining property in excavation in rock;
- (8) intended measures of disposal of mining refuse and control of contaminants;
- (9) provisions to prevent collection of noxious, ~~odious~~ odious, or foul water in mined areas; ~~and~~
- (10) plan for revegetation and reforestation or other surface treatment of the affected areas which ~~plan~~ shall ~~must~~ be approved in writing by one of the following prior to submission of the application:
- (A) Authorized ~~representatives~~ representative of the local soil and water conservation district having jurisdiction over lands in question;
- (B) Authorized ~~representatives~~ representative of the ~~division of forest resources, Department of Environment, Health, and Natural Resources; North Carolina Forest Service within the Department of Agriculture and Consumer Services;~~
- (C) North Carolina Cooperative Extension County agricultural extension chairmen, County Director ~~[in a county listed]~~ in the [county(s)] counties where the site is located or research and extension personnel headquartered at North Carolina State University in the ~~school of agriculture and life sciences~~ School of Agriculture and Life Sciences;
- (D) North Carolina licensed ~~landscape architects;~~ Landscape Architect pursuant to G.S. 89A;
- (E) North Carolina licensed Professional Engineer pursuant to [G.S. 89C;] G.S. 89C;
- ~~(E)(F)~~ Private consulting ~~foresters~~ forester referred by the ~~division of forest resources, Department of Environment, Health, and Natural Resources; North Carolina Forest Service within the Department of Agriculture and Consumer Services; or~~
- ~~(F)(G)~~ Others as may be approved by the ~~department;~~ Department; Provided that areas expected to be in use beyond the maximum permissible permit period, such as processing plants or stockpiles, do not require a specific revegetation plan;
- (11) In lieu of the written approval required by Subparagraph (10) of this ~~[Paragraph]~~ Paragraph, a plan for revegetation and reforestation developed utilizing one of the following:
- (A) North Carolina Erosion and Sedimentation Control Planning and Design Manual, [Manual;] including subsequent amendments and editions. The manual may be obtained free of charge at <https://www.deq.nc.gov/energy-mineral-and-land-resources/erosion-and-sediment-control/esc-design-manual/erosion-sediment-control-design-manual-rev-jan-2026/open>; or
- (B) North Carolina Surface Mining Manual: A Guide for Permitting, Operation and Reclamation, [Reclamation;] including subsequent amendments and editions. The manual

1 may be obtained free of charge at [https://www.deq.nc.gov/documents/files/nc-surface-](https://www.deq.nc.gov/documents/files/nc-surface-mining-manual/download)
2 [mining-manual/download](https://www.deq.nc.gov/documents/files/nc-surface-mining-manual/download); and

3 ~~(11)~~(12) time schedule of reclamation that provides that reclamation activities be conducted simultaneously
4 with mining operations whenever feasible and in any event be initiated at the earliest practicable
5 time after completion or termination of mining on any segment and completed within two ~~years.~~
6 years unless a longer period is specifically permitted by the Department.

7 (c) An application shall include ~~In addition to the form, the operator shall also submit two copies of a county map~~
8 ~~showing the mine location and two copies a copy~~ of a mine map. Mine maps shall be consistent with the reclamation
9 plan and shall ~~should~~ be accurate drawings, aerial photographs photographs, or enlarged topographic maps of the mine
10 area and ~~must clearly~~ shall show the following:

11 (1) property lines or affected area of mining operation;
12 (2) outline of pits;
13 (3) outline of stockpile areas;
14 (4) outline of overburden disposal areas;
15 (5) location of processing plants ~~[(Processing plants)]~~ plants, which may be described as to location and
16 distance from mine if sufficiently far removed.; the mine if not contiguous to the mine ~~[property.];~~
17 property;

18 (6) location and name of streams and lakes;
19 (7) outline of settling ponds;
20 (8) location of access roads;
21 (9) mine permit boundaries;
22 (10) existing and proposed contours showing all drainage areas;

23 ~~(9)~~(11) map legend; legend, including:

- 24 (A) name of company,
25 (B) name of mine,
26 (C) north arrow,
27 (D) county,
28 (E) scale,
29 (F) date prepared,
30 (G) name and title of person preparing map; and

31 ~~(10)~~(12) names of owners of record, both public and private, of all adjoining ~~land.~~ land as is specified in G.S.
32 74-50;

33 (13) any unrelated use area, that has the potential to disturb the soil surface, that does not meet the
34 definition of mining within the permit boundaries;

35 (14) vicinity map showing the mining operation in relation to the general area at a minimum scale of
36 1:24,000;

1 (15) drawings showing typical sections or cross sections and layout of proposed reclamation where such
2 drawings will assist in describing reclamation;

3 (16) approximate limits of future reserves not included in affected area; and

4 (17) intended reclamation for projected phases or segments when reclamation is accomplished
5 concurrently with mining.

6 ~~The mine maps should be correlated with the reclamation plan. The approximate areas to be mined during the life of~~
7 ~~the permit should be clearly marked.~~

8 ~~If reclamation is to be accomplished concurrently with mining, then show segments that are to be mined and reclaimed~~
9 ~~during each year of the permit.~~

10 ~~Add drawings showing typical sections or cross sections and layout of proposed reclamation where such drawings~~
11 ~~will assist in describing reclamation.~~

12 (d) An application for a mining permit shall include:

13 (1) The ~~name~~ names and ~~address~~ addresses of all known owners, both private and public of all land
14 adjoining the proposed mining site as is specified in G.S. 74-50 and as determined by a diligent
15 search of the tax records or other sources of information approved in advance by the Department
16 ~~about property ownership in a manner reasonable calculated to identify~~ that identifies the owners of
17 all adjoining ~~land, land and approved by the department~~ [Department.] The proposed mining site
18 means all land to be included within the proposed permitted area;

19 (2) The ~~name~~ names and addresses of the county, [city] city, and town managers, who serve as the chief
20 administrative ~~officer~~ officers, of the county or municipality of the local governments in which any
21 part of the proposed mining site is ~~located together with the officer's mailing address;~~ located; and

22 (3) Pursuant to G.S. 74-50, ~~Proof~~ proof satisfactory to the ~~department~~ Department that the applicant has
23 made ~~a reasonable~~ the required effort to notify all owners of record of all adjoining land and the
24 county, city, and town mangers, who serve as the chief administrative ~~officer~~ officers, of the county
25 or ~~[and] municipality of the local governments in which any part of the proposed mining site is~~
26 located of the pending application. Proof satisfactory to the ~~department~~ Department shall include
27 an affidavit by the applicant ~~that he has caused~~ stating that a notice of the pending application ~~to be~~
28 has been sent by certified or registered mail to all known adjoining owners and to the chief
29 administrative ~~officer~~ officers of the county or municipality. Other means of notice shall be
30 satisfactory if approved in advance by the ~~department~~ Department.

31 (4) A copy of the recorded right of entry agreement that runs with the land, is binding on landowners,
32 [lessees] lessees, and [permittees] permittees, and extinguishes permit release, providing that the
33 landowner may not interfere with the permittee's obligations or the Department's ability to perform
34 [reclamation.] reclamation; and

35 (5) Any application submitted to the Department for approval of mining activities pursuant to G.S. 74-
36 50 shall include proof of ownership or the portion of valid and unexpired Memorandum Of Lease

1 or option from the property owner allowing mining activities for all lands to be included in the
2 permitted area as defined in G.S. 74-50(b)(3).

3 (e) An application for a mining permit shall not be deemed filed pursuant to G.S. 74-51(b) until the nonrefundable
4 permit application processing fee required pursuant to G.S. 74-54.1 is received by the Department. If the necessary
5 fee is not received within 30 days of initial receipt of the application, the application shall be denied and required to
6 be resubmitted in its entirety.

7 (f) Permit applications shall be signed as follows:

8 (1) in the case of corporations, by a principal executive officer of at least the level of vice-president, or
9 their authorized representative;

10 (2) in the case of a partnership or limited partnership, by a general partner;

11 (3) in the case of a sole proprietorship, by the proprietor;

12 (4) in the case of a municipal, ~~[state]~~ state, or other public entity by either a principal executive officer,
13 ranking ~~[official]~~ official, or other duly authorized ~~[employee]~~ employee; or

14 (5) in the case of a limited liability company, by a managing member. ~~[The signature of the consulting~~
15 ~~engineer or other agent shall be accepted on the application only if accompanied by a letter of~~
16 ~~authorization from one of the individuals listed in Subparagraphs (1) through (5) of this Paragraph.]~~

17 The signature of the consulting engineer or other agent shall be accepted on the application only if accompanied by a
18 letter of authorization from one of the individuals listed in Subparagraphs (1) through (5) of this Paragraph.

19
20 History Note: Authority G.S. 74-63; 74-51; 74-53; ~~[74-56]~~ 74-56;

21 Eff. February 1, 1976;

22 Amended Eff. April 1, 1990; May 1, 1982; September 1, 1979; January 31, 1979;

23 Readopted Eff. August 1, 2026.
24

1 15A NCAC 05B .0105 IS READOPTED WITH CHANGES AS PUBLISHED IN 40:08 NCR 733 AS FOLLOWS:

2
3 **15A NCAC 05B .0105 CONDITIONS WHICH MAY BE INCLUDED IN PERMIT**

4 To ~~assure~~ ensure that the ~~mining operation will comply fully~~ fully complies with the requirements and objectives of
5 the Mining Act of 1971, G.S. 74-46 through 74-68, the ~~director~~ Director may ~~approve an application or reclamation~~
6 ~~plan subject to certain conditions. Such conditions of application approval may include:~~ require that a permit or
7 reclamation plan contain conditions including:

- 8 (1) additional erosion control measures to be installed during the mining operation; ~~[operation as~~
9 ~~specified in G.S. 74-51;]~~
- 10 (2) a ~~natural~~ vegetated buffer ~~to be left~~ between any stream and the affected ~~land;~~ land when specified
11 in State or local stream protection ~~[requirements;]~~ requirements;
- 12 (3) visual screening such as existing ~~natural~~ vegetation, vegetated earthen berms, and tree plantings at
13 staggered spacing ~~spacing, etc.~~ to be installed and maintained ~~as feasible~~ between any affected land
14 and any adjoining property containing occupied buildings or public access within view of the
15 affected land; any screening conditions shall take into consideration the mining operation activities
16 that are being screened and the current usage of the neighboring ~~[property;]~~ property;
- 17 (4) erosion control measures to be taken during the construction and operation of all haul roads or access
18 roads to minimize offsite damage from ~~sediment;~~ [sediment;] sediment;
- 19 (5) other conditions necessary to safeguard the adjacent surface resources or [wildlife;] wildlife;
- 20 (6) hydrogeological analysis to assess potential influences of mine dewatering on water supply wells
21 and measures to mitigate potential adverse impacts.

22
23 *History Note:* Authority G.S. 74-63; 74-51; 74-51;
24 *Eff. February 1, 1976;*
25 *Amended Eff. May 1, 1992; November 1, 1984;*
26 *Readopted Eff. August 1, 2026.*
27

1 15A NCAC 05B .0106 IS REPEAED THROUGH READOPTION AS PUBLISHED IN 40:08 NCR 733 AS
2 FOLLOWS:

3
4 **15A NCAC 05B .0106 STANDARDS FOR DENYING AN APPLICATION**

5
6 *History Note: Authority G.S. 74-51; 74-58; 74-63;*
7 *Eff. February 1, 1976;*
8 *Amended Eff. November 1, 1984;*
9 *Repealed Eff. August 1, 2026.*
10

1 15A NCAC 05B .0110 IS READOPTED WITH CHANGES AS PUBLISHED IN 40:08 NCR 733 AS FOLLOWS:

2
3 **15A NCAC 05B .0110 MINING RECLAMATION REPORTS**

4 The mine operator shall, by February 1 of each year during the life of the permitted operation, and within 30 days of
5 completion or termination of mining on an area under permit, file with the department a mining reclamation report on
6 a form prescribed by the department.

7 (a) Upon completion of reclamation of an area of land, the operator shall notify the Department and complete a release
8 request. Notice of completion of reclamation of an area of affected land pursuant to G.S. 74-56 shall be made by
9 submitting a release request form provided by the Department that includes the details found on the reclamation report
10 as required to be filed by G.S. 74-55.

11 (b) If the Department receives a completed release request form on or before September 30, the Department may
12 shall waive the annual fee for the that permit year. year, unless the Where a site is determined to not be eligible
13 for release pursuant to G.S. 74-56 the Department may revoke the waiver prior to December 31. 31 of that same
14 year.

15
16 *History Note:* Authority G.S. 74-55; 74-56; 143B-290; [143B—290;]

17 *Eff. March 30, 1978;*

18 *Amended Eff. November 1, 1984;*

19 *Readopted Eff. August 1, 2026.*

1 15A NCAC 05B .0111 IS READOPTED WITH CHANGES AS PUBLISHED IN 40:08 NCR 733 AS FOLLOWS:

2
3 **15A NCAC 05B .0111 PUBLIC HEARINGS**

4 (a) If the ~~department~~ Department determines that there exists a significant public interest in an application for a new
5 mining permit, or for a modification that adds land to the existing permit, the ~~director~~ Director shall appoint a hearing
6 officer to conduct a public hearing on the application which shall be held no ~~sooner than 20 or~~ later than ~~60 days~~ 90
7 days ~~of from~~ the filing of the application and before the ~~department~~ Department makes its final decision regarding the
8 application.

9 (b) At least ~~40~~ 20 days prior to the public hearing, the ~~department~~ Department shall ~~publish~~ provide notice thereof in
10 a newspaper ~~of or other media platform with~~ general coverage in the ~~county~~ (s) counties in which the proposed mine
11 is located. ~~The department may also give notice to the public by other means.~~ In addition, the ~~department~~ Department
12 shall cause written notice of the hearing to be sent by certified or registered mail to the applicant and to the known
13 owners of all adjoining ~~land~~. land as specified in G.S. 74-50.

14 (c) Any person may appear at the public hearing and give oral or written comments on the proposed application. The
15 hearing officer may impose ~~reasonable~~ limitations on the length of time that any person may speak and may summarize
16 comments rather than recording them in full. The hearing officer may allow additional written comments to be
17 submitted for up to ten days after the hearing ~~hearing after which the public comment period will be considered closed~~
18 and no other public comments ~~can~~ shall be considered in the final determination of the application. ~~within a period~~
19 ~~of time he deems appropriate which shall not exceed ten days.~~

20 (d) Within ten days after the hearing or time for additional comment, the hearing officer shall prepare a written report
21 summarizing the comments that were submitted regarding the application. The report shall include copies of all written
22 comments submitted. Copies of the report shall be made available to the applicant or members of the public upon
23 request. The ~~department~~ Department shall give full consideration to all comments contained in the hearing record in
24 making its final determination on the application.

25 (e) In the event there is not a public hearing, public comments will be accepted for 60 days following the receipt of
26 the application after which the public comment period will be considered closed and no other public comments ~~will~~
27 shall be considered in the final determination of the application.

28
29 *History Note:* Authority G.S. 74-51; 74-63; 74-86;

30 Eff. May 1, 1982;

31 Readopted Eff. August 1, 2026.

1 15A NCAC 05B .0112 IS READOPTED WITH CHANGES AS PUBLISHED IN 40:08 NCR 733 AS FOLLOWS:

3 **15A NCAC 05B .0112 PERMIT APPLICATION PROCESSING FEES**

4 (a) A nonrefundable permit application processing fee, in the amounts stated in G.S. 74-54.1, Paragraphs (b), (c) and
5 (d) of this Rule, shall be paid when an application for a new mining ~~permit~~ permit or a permit modification, ~~or a~~
6 ~~renewal permit~~ or transfer is filed in accordance with G.S. 74-51 or G.S. 74-52 and ~~15A NCAC 5B .0003, .0004, and~~
7 ~~.0005, the rules of this Subchapter.~~

8 (1) The acreage for a new permit application shall include the total acreage contained within the
9 permitted area.

10 (2) The acreage for a permit modification shall be limited to the increase in proposed acreage of affected
11 land internal to the existing permitted area plus any new acreage proposed to be added to the
12 permitted area beyond the existing permit boundary.

13 (3) The fee for a permit transfer shall remain a flat fee regardless of acreage.

14 (4) For purposes of calculations pursuant to G.S. 74-54.1, the referenced acreage ranges shall include
15 anything less than 26 acres as “0-25 acres” and anything equal to or greater than 26 acres as “26+
16 acres”.

17 (b) No fee ~~is~~ **shall be** required for administrative changes initiated by the Director.

18 ~~(b) A non refundable fifty dollar (\$50.00) permit application processing fee is required for minor permit~~
19 ~~modifications. Minor permit modifications include administrative changes such as ownership transfers, name~~
20 ~~changes, and bond substitutions. A minor permit modification also includes lands added to a permitted area, outside~~
21 ~~of the minimum permit buffer zone requirements, where no plans for mining related disturbance of the added lands~~
22 ~~have been approved. All other changes to the permit are major modifications. No fee is required for administrative~~
23 ~~changes initiated by the Director to correct processing errors, to change permit standards or to implement new~~
24 ~~standards.~~

25 ~~(c) A non refundable fifty dollar (\$50.00) permit application processing fee is required for permit renewal of an~~
26 ~~inactive site, provided that any previously disturbed areas have been reclaimed in a manner acceptable to the~~
27 ~~Department. Once renewed, prior to initiating any mining related disturbance, an application for a major modification~~
28 ~~and a processing fee shall be submitted to and approved by the Department. For purposes of this Paragraph, and~~
29 ~~notwithstanding Paragraph (d) of this Rule, the acreage for a major modification shall be the total acreage at the site.~~
30 ~~All other modifications to the renewed permit shall be governed by Paragraphs (b) and (d) of this Rule.~~

31 ~~(d) e) For the purposes of this Rule, acres for new permits and renewal permits means the total acreage at the site; and~~
32 ~~acres for major modification of permits means that area of land affected by the modification within the permitted mine~~
33 ~~area, or any additional land that is to be disturbed and added to an existing permitted area, or both. Each permit~~
34 ~~application shall be deemed incomplete until the permit application processing fee is paid. Schedule of Fees:~~

35
36 —MAJOR

37 TYPE	ACRES	NEW PERMIT	MODIFICATION	RENEWAL
---------	-------	------------	--------------	---------

CLAY	1 but less than 25	\$ 500	\$ 250	\$ 250
	25 but less than 50	1000	500	500
	50 or more	1500	500	500
SAND & GRAVEL, GEMSTONE AND BORROW PITS	1 but less than 5	150	100	100
	5 but less than 25	250	100	100
	25 but less than 50	500	250	500
	50 or more	1000	500	500
QUARRY, INDUSTRIAL MINERALS, DIMENSION STONE	1 but less than 10	250	100	100
	10 but less than 25	1000	250	500
	25 but less than 50	1500	500	500
	50 or more	2500	500	500
PEAT & PHOSPHATE	1 or more	2500	500	500
GOLD (HEAP LEACH), TITANIUM & OTHERS	1 or more	2500	500	500

(e) ~~Payment of the permit application processing fee shall be by check or money order made payable to the "N.C. Department of Environment, Health, and Natural Resources". The payment shall refer to the new permit, permit modification or permit renewal.~~

(f) ~~In order to comply with the limit on fees set forth in G.S. 143B-290(4)b, the Director shall, in the first half of each state fiscal year, project revenues for the fiscal year from fees collected pursuant to this Rule. If this projection shows that the statutory limit will be exceeded, the Director shall order a pro rata reduction in the fee schedule for the remainder of the fiscal year to avoid revenue collection in excess of the statutory limits.~~

(c) Any new permit issued between September 1 and December 31 shall not be required to pay the annual operating fee or submit the annual reclamation report for that same calendar year.

1
2 *History Note:* *Filed as a Temporary Rule Eff. November 1, 1990, for a Period of 180 Days to Expire on April 29,*
3 *1991;*
4 *Authority G.S. 74-54.1; 74-63; 143B-290;*
5 *ARRC Objection Lodged November 14, 1990;*
6 *ARRC Objection Removed December 20, 1990;*
7 *Eff. January 1, 1991;*
8 *Amended Eff. December 1, 1991;*
9 *Readopted Eff. August 1, 2026.*
10

1 15A NCAC 05B .0113 IS READOPTED AS PUBLISHED IN 40:08 NCR 733 WITH CHANGES AS FOLLOWS:

2
3 **15A NCAC 05B .0113 RESPONSE DEADLINE TO DEPARTMENT'S REQUEST(S)**

4 An applicant or permittee shall submit to the Department supplemental information regarding an application for a new
5 ~~permit [or] permit, modified, permit, or permit renewal~~ permit modification, or permit transfer within 180 days after
6 the date of receipt of the Department's written ~~request(s)~~ request for such information. Upon written request of the
7 applicant or permittee to the Director, an additional ~~reasonable~~ specified period of time not to exceed one year ~~shall~~
8 ~~[may]~~ shall be granted ~~upon determination of good cause~~ by the Director. ~~Additional time may be granted by the~~
9 ~~Mining and Energy Commission, provided written request is made by the applicant or permittee before the expiration~~
10 ~~of the one year period.~~

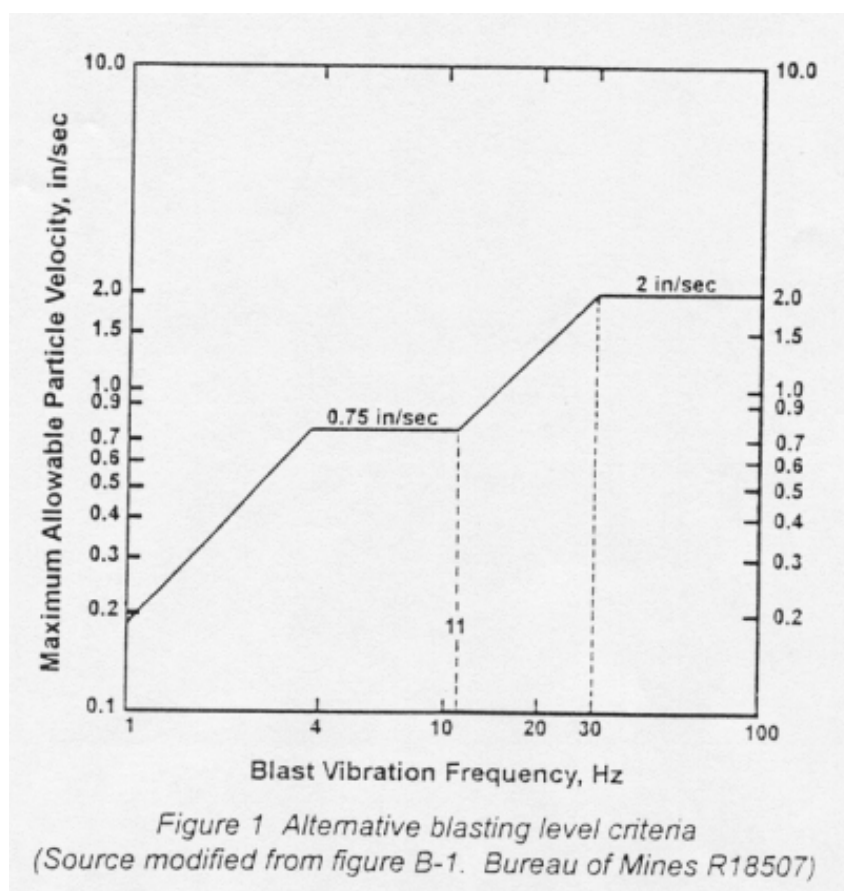
11
12 *History Note:* Authority G.S. 74-51; ~~74-52; 74-63; 143B-290;~~ ~~74-52; 74-63; 143B-290~~ *Note:*
13 *RRC Objection Eff. September 15, 1994 due to lack of statutory authority;*
14 *Eff. November 1, 1994;*
15 *Amended Eff. August 1, 2012 (see S.L. 2012-143, s.1.(d));*
16 *Readopted Eff. August 1, 2026.*
17

1 15A NCAC 05B .0114 IS ADOPTED AS PUBLISHED IN 40:08 NCR 733 WITH CHANGES AS FOLLOWS:

2
3 **15A NCAC 05B .0114 BLASTING**

4 (a) At any permitted site where blasting occurs, the operator shall monitor each blast with a seismograph located at a
5 distance no farther than the closest off site regularly occupied structure not owned or leased by the operator. A
6 seismographic record including peak particle velocity, air overpressure, and vibration frequency levels shall be kept
7 for each blast, except as provided in Paragraphs (c) and (e) of this Rule.

8 (b) In all blasting operations, the maximum peak particle velocity of any component of ground motion shall not exceed
9 the alternative ground vibration limits in this Paragraph at the nearest regularly occupied building structure not owned
10 or leased by the operator outside of the permitted area such as a dwelling house, church, school, or public, commercial,
11 or institutional building.



12
13 (c) In the event of seismograph malfunction or other condition that prevents monitoring, blasting shall be conducted
14 in accordance with the following scaled distance formulas:

15 Formula from ISEE Blasters Handbook 17th Edition ISBN:1-892396-00-9

16
$$W = \left(\frac{D}{Ds}\right)^2$$

$$Ds = \frac{D}{\sqrt{W}}$$

$$V = 160(Ds)^{-1.6}$$

W = Maximum charge weight of explosives per delay period of 8 milliseconds or more (pounds).

D = Distance from the blast site to the nearest ~~inhabited building~~ regularly occupied structure not owned or leased by the mine operator. (feet).

Ds = Scaled distance factor.

V = Peak Particle Velocity (inches per second).

The peak particle velocity of any component shall not exceed 1.0 inch per second, for the purposes of this Paragraph.

(d) Air blast overpressure resulting from surface blasting shall not exceed 129 decibels linear (dBL) as measured at the nearest regularly occupied ~~building structure~~ not owned or leased by the operator outside of the permitted area such as a dwelling house, church, school, or public, commercial, or institutional building, unless an alternate level is being used based on the sensitivity of the seismograph microphone as specified in this Paragraph of this Rule:

Lower Frequency Limit of Measuring System (Hz)	Max Level (dBL)
0.1 Hz or lower-flat response	134 peak
2.0 Hz or lower-flat response	133 peak
6.0 Hz or lower-flat response	129 peak

(e) In the event of seismograph malfunction or other condition that prevents monitoring, air blast overpressure shall be calculated utilizing ~~blasting shall be conducted in accordance with~~ the following formulas:

Formula from ISEE Blasters ~~Handbook 17th~~ Handbook 17th Edition ISBN:1-892396-00-9

$$P = 1.0 \left(\frac{D}{\sqrt[3]{W}} \right)^{-1.1}$$

$$dB = 20 \log \left(\frac{P}{2.9 \times 10^{-9}} \right)$$

P = ~~Airblast~~ Air blast overpressure average burial (pounds per square inch).

W = Maximum charge weight of explosives per delay period of 8 milliseconds or more (pounds).

D = Distance from the blast site to the nearest ~~inhabited building~~ regularly occupied structure not owned or leased by the mine operator (feet).

dB = ~~Airblast~~ Air blast overpressure average burial (decibels).

A = Air blast ~~or air~~ overpressure for typical quarry situations (decibels).

The ~~air blast/overpressure~~ air blast overpressure shall not exceed 129 decibels, for the purposes of this Paragraph.

(f) For the purposes of calculating Scale Distance, when using electronic detonators, the maximum charge weight of explosives per delay shall be calculated using actual delay of separation, with a minimum delay of 1 milliseconds. When using non-electric detonators, the maximum charge weight shall be calculated on a delay of 8 milliseconds.

1 (g) The operator shall maintain records on each individual blast describing:

- 2 (1) name of ~~Company~~ company or contractor;
- 3 (2) date, and time of the blast;
- 4 (3) type of material blasted;
- 5 (4) the total number of holes;
- 6 (5) pattern of holes and delay of intervals;
- 7 (6) depth and size of holes;
- 8 (7) type and total pounds of explosives;
- 9 (8) maximum pounds per 8ms delay interval;
- 10 (9) amount of stemming and burden for each hole;
- 11 (10) blast location;
- 12 (11) distance from blast to closest offsite regularly occupied structure;
- 13 (12) weather conditions at the time of the blast; and
- 14 (13) ~~Whether~~ whether mats or other protections were used.

15 Records shall be maintained at the permittee's mine office and copies shall be provided to the Department upon request.

16 (h) The operator shall take ~~all reasonable~~ precautions to ensure that flyrock is not thrown beyond areas where access
17 is temporarily or permanently guarded by the operator.

18 (i) The operator shall provide to the Department a copy of the findings of the seismic studies conducted at the mine
19 site by the permittee or their representative in response to an exceedance of a level allowed by ~~these blasting~~
20 ~~conditions. the blasting conditions set forth in this Rule.~~ The operator shall evaluate ~~make an effort to incorporate the~~
21 ~~studies' recommendations for inclusion into the production blasting program. program to prevent future exceedances~~
22 of the level allowed by these blasting conditions. conditions set forth in this Rule.

23
24 *History Note: Authority G.S. 74-51; 74-63;*

25 *Eff. August 1, 2026.*

1 15A NCAC 05B .0115 IS ADOPTED WITH CHANGES AS PUBLISHED IN 40:08 NCR 733 AS FOLLOWS:

2
3 **15A NCAC 05B .0115 MINING PERMIT TRANSFERS**

4 (a) Pursuant to G.S. 74-51(i), a permit may be transferred from one operator to another, if both operators have complied
5 with the requirements of ~~the Act.~~ the Mining Act as set forth in Article 7, Chapter 74 of the General Statutes. The sale or
6 lease of the operation alone ~~does not~~ shall not constitute an approved transfer of the permit. Until a permit has been
7 transferred by the Department to the successor operator, the existing operator shall be held responsible for any
8 activities at the site, including liability for any documented violations at the site. Liability shall remain with the existing
9 operator until such violations have been addressed to the satisfaction of the Department and the Department has
10 transferred the permit in its entirety to the successor operator.

11 (b) A valid permit may be transferred from one operator to another provided the following information has been
12 submitted on a form furnished by the Department:

13 (1) A signed statement from the existing operator requesting that the permit be transferred to the successor
14 operator. The existing mine name and permit number shall be identified in the statement.

15 (2) A non-refundable permit transfer processing fee pursuant to G.S. 74-54.1(a).

16 (3) A signed statement from the successor operator identifying the existing mine name and permit number,
17 requesting that the permit be transferred in its entirety, and accepting all responsibilities and liabilities for
18 the site with respect to ~~the Article.~~ the Mining Act of 1971 as set forth in Article 7, Chapter 74 of the General
19 Statutes.

20 (4) A mine map showing the successor operator's name and contact information, current mining permit
21 boundary, acreage table, and reference to current permit number and conditions.

22 (5) The information required in Rule .0104(a)(1) through (a)(4) and (a)(12) through (a)(14) ~~(15)~~ of this
23 ~~Section~~ Section.

24 (6) A copy of the recorded right of entry agreement that runs with the land, is binding on landowners, ~~lessees~~
25 lessees, and ~~permittees~~ permittees, and extinguishes permit release, providing that the landowner may not
26 interfere with the permittee's obligations or the Department's ability to perform reclamation.

27 (7) An acceptable security in the amount determined in Rule .0103 of this Section and using the forms
28 established in Rule .0103 of this Section covering the site. The security shall be issued in the same
29 successor operator name used in the permit transfer application.

30 (c) The permit transfer application shall be submitted to the Department no later than 60 days from the execution of
31 any purchase or lease agreement associated with a change in the responsibility for operation of the permitted site.

32 (d) Any pit expansion or other land disturbing activity anticipated within the permitted area not previously approved
33 by the Department shall require a permit modification. Expansion of permit boundaries to include additional land
34 under the permit shall require a permit modification.

35 (e) Upon approval of the permit transfer, responsibility for the full extent of the existing permitted area shall be
36 transferred to the successor operator unless the Department has authorized the release of a portion of the permitted
37 area from reclamation liability.

1 (f) Upon approval of the permit transfer, the Department shall send the new permit document to the successor operator.
2 Such permit may include updated operating and reclamation conditions to ensure compliance with ~~the Article.~~ the
3 Mining Act of 1971 as set forth in Article 7, Chapter 74 of the General Statutes.

4 (g) The prior operator shall be notified by the Department of the completed permit transfer and that the prior operator
5 has been released from further liability with respect to the permit for the site. The security posted by the prior operator
6 to cover reclamation obligations at the site shall be returned by the Department to the prior operator provided the
7 security is no longer needed to cover other permitted sites under the prior operator's name.

8 (h) Permit transfers due to corporate name changes shall comply with Rule .0116 of this Section.

9
10 *History Note: Authority G.S. 74-51; 74-54.1; 74-63;*
11 *Eff. August 1, 2026.*
12
13

1 15A NCAC 05B .0116 IS ADOPTED WITH CHANGES AS PUBLISHED IN 40:08 NCR 733 AS FOLLOWS:

2
3 **15A NCAC 05B .0116 PERMIT TRANSFERS DUE TO CORPORATE NAME CHANGES**

4 (a) In the event that the corporate name of the operator holding the mining permit changes, the operator shall submit
5 a permit transfer application as follows to the Department within 60 calendar days of the effective date of the corporate
6 name change:

7 (1) A letter identifying the existing and new corporate names, the effective date of the new corporate
8 name, any changes in company officers and associated contact information, and each mining permit
9 number and mine name impacted by the corporate name change.

10 (2) The Secretary of State corporate filing certificate or other legal paperwork verifying the new
11 corporate name is registered in North Carolina.

12 (3) A non-refundable permit transfer processing fee for each permit affected by the corporate name
13 change pursuant to G.S. 74-54.1(a).

14 (4) An updated or new security in the new corporate name that complies with Rule .0103 of this Section,
15 including any associated contact information. The updated or new security shall be in the same
16 amount as the prior security covering the reclamation obligations at the site.

17 (5) A copy of the recorded right of entry agreement that runs with the land, is binding on landowners,
18 ~~lessees~~ lessees, and ~~permittees~~ permittees, and extinguishes permit release, providing that the
19 landowner may not interfere with the permittee's obligations or the Department's ability to perform
20 reclamation.

21 (b) Upon approval of the permit transfer application, ~~corporate name change~~, the Department shall send a letter with
22 the updated pages of the relevant permits to the operator to attach to the existing relevant permits.

23
24 *History Note:* Authority G.S. 74-50; 74-51; 74-54.1; 74-63;
25 Eff. August 1, 2026.
26

1 15A NCAC 05B .0117 IS ADOPTED WITH CHANGES AS PUBLISHED IN 40:08 NCR 733 AS FOLLOWS:

2
3 **15A NCAC 05B .0117 DRAFT PERMITS**

4 Upon approval of an application and prior to receipt of any performance bond or security, new or updated, any
5 operating permit generated by the Department shall be considered a preliminary draft and shall not be considered
6 issued or binding, regardless of whether the draft is shared with the applicant. Where a new or modified performance
7 bond or other security is required pursuant to G.S. 74-54, ~~timely~~ approval of an application, pursuant to G.S. 74-51(h),
8 shall satisfy the requirement to grant a permit within the deadlines included in G.S. 74-51(b).

9
10 *History Note: Authority G.S. 74-51; 74-63;*
11 *Eff. August 1, 2026.*
12

1 15A NCAC 05F .0101 IS READOPTED WITH CHANGES AS PUBLISHED IN 40:08 NCR 733 AS FOLLOWS:

2
3 **15A NCAC 05F .0101 PURPOSE AND SCOPE**

4 ~~These rules~~ The procedures and standards set forth in the rules of this Subchapter ~~the procedures and standards to~~ shall
5 be followed by the ~~director~~ Director in assessing civil penalties. ~~Penalties and by the Mining and Energy Commission~~
6 ~~in hearing appeals from the assessment of such penalties.~~

7
8 *History Note: Authority G.S. 74-61; ~~74-62~~; 74-63; 74-64; 143B-10;*

9 *Eff. May 1, 1982;*

10 *Amended Eff. August 1, 2012 (see S.L. 2012-143, s.1.(d)); November 1, 1984;*

11 *Readopted Eff. August 1, 2026.*

1 15A NCAC 05F .0103 IS READOPTED AS PUBLISHED IN 40:08 NCR 733 AS FOLLOWS:

2
3 **15A NCAC 05F .0103 WHO MAY ASSESS**

4 Civil penalties may be assessed by the ~~director~~. Director.

5
6 *History Note: Authority G.S. 74-61; ~~74-62~~; 74-63; 74-64; 143B-10;*
7 *Eff. May 1, 1982;*
8 *Readopted Eff. August 1, 2026.*
9

1 15A NCAC 05F .0105 IS READOPTED WITH CHANGES AS PUBLISHED IN 40:08 NCR 733 AS FOLLOWS:

2
3 **15A NCAC 05F .0105 CIVIL PENALTY FOR MINING WITHOUT A PERMIT**

4 (a) Prior to the assessment of any civil penalty for mining without a permit, the alleged violator shall be given notice
5 by registered or certified mail, return receipt requested. ~~requested, signed by the Regional engineer in the region in~~
6 ~~which the violation occurred.~~ The notice shall describe the ~~violation with reasonable particularity, violation,~~ order the
7 violator ~~immediately~~ to cease mining until a valid operating permit has been obtained, and specify a time period
8 ~~reasonably~~ calculated to permit the restoration of any disturbed area. ~~area as deemed necessary by the regional~~
9 ~~engineer.~~ The notice shall also state that a civil penalty may be assessed for any violation.

10 (b) In determining whether to assess a civil penalty for any violation committed prior or subsequent to receipt of the
11 notice of violation, the ~~director~~ Director shall consider whether the violator ceased mining, restored the affected area,
12 or otherwise complied with the requirements of the notice of violation. ~~Violation and shall also consider the various~~
13 ~~criteria in Rule 5F .0007.~~ The civil penalty assessment shall specify ~~with reasonable particularity the~~ violation(s)
14 violations for which the penalty has been assessed and shall be transmitted to the violator by certified or registered
15 mail, return receipt requested.

16 *History Note:* Authority G.S. 74-60; ~~74-61; 74-63; 74-64; 143-B-10;~~ 74-61; 74-63; 74-64; 143B-10;

17 *Eff. May 1, 1982;*

18 *Amended Eff. December 1, 1988; November 1, 1984;*

19 *Readopted Eff. August 1, 2026.*

1 15A NCAC 05F .0106 IS READOPTED WITH CHANGES AS PUBLISHED IN 40:08 NCR 733 AS FOLLOWS:

2
3 **15A NCAC 05F .0106 CIVIL PENALTY FOR VIOLATING OPERATING PERMIT**

4 ~~(a) Prior to the assessment of a civil penalty against a permitted operator for violating any provisions of the Mining~~
5 ~~Act of 1971, or any rules promulgated thereunder, or any conditions of his mining permit, the alleged violator or his~~
6 ~~agent shall be given notice by registered or certified mail, return receipt requested, signed by the director. The notice~~
7 ~~shall describe the violation with reasonable particularity and specify a time period reasonably calculated to permit the~~
8 ~~violator to correct the violation. The notice shall also state that civil penalties may be assessed against the alleged~~
9 ~~violator if he fails to correct the violation within the specified time.~~

10 (b) If the violator does not comply with the requirements of the notice of ~~violation~~ violation, required by G.S. 74-
11 64(a)(1), within the time period specified in the notice, the ~~director~~ Director may assess a civil penalty for any
12 ~~violation(s)~~ violations committed after the date of receipt of the notice of violation. The civil penalty assessment shall
13 specify ~~with reasonable particularity~~ the ~~violation(s)~~ violations for which the penalty has been assessed and shall be
14 transmitted to the violator by certified or registered mail, return receipt requested.

15 *History Note: Authority G.S. 74-60; 74-61; ~~74-62~~; 74-63; 74-64; 143B-10;*

16 *Eff. May 1, 1982;*

17 *Amended Eff. November 1, 1984;*

18 *Readopted Eff. August 1, 2026.*

1 15A NCAC 05F .0111 IS REPEAED THROUGH READOPTION AS PUBLISHED IN 40:08 NCR 733 AS
2 FOLLOWS:

3
4 **15A NCAC 05F .0111 REFERRAL TO ATTORNEY GENERAL**

5
6 *History Note: Authority G.S. 74-61; ~~74-62~~; 74-63; 74-64; 143B-10;*
7 *Eff. May 1, 1982;*
8 *Repealed Eff. August 1, 2026.*
9

1 15A NCAC 05F .0112 IS REPEAED THROUGH READOPTION AS PUBLISHED IN 40:08 NCR 733 AS
2 FOLLOWS:

3
4 **15A NCAC 05F .0112 FURTHER REMEDIES**

5
6 *History Note:* Authority G.S. 74-61; ~~74-62~~; 74-63; 74-64; 143B-10;
7 *Eff. May 1, 1982;*
8 *Amended Eff. August 1, 2012 (see S.L. 2012-143, s.1. (d));*
9 *Repealed Eff. August 1, 2026.*
10

1 15A NCAC 05G .0104 IS READOPTED WITH CHANGES AS PUBLISHED IN 40:08 NCR 733 AS FOLLOWS:

2
3 **15A NCAC 05G .0104 ABANDONMENT PLAN: BONDING REQUIREMENTS**

4 (a) After reviewing an application, the ~~department~~ Department shall determine whether it should be approved and
5 notify the applicant of its determination. No application shall be approved unless it contains an abandonment plan
6 acceptable to the ~~department~~ Department. If the application is approved, the ~~department~~ Department ~~shall will~~
7 determine the amount of the performance bond that ~~is will be~~ required and issue to the applicant a bond form to be
8 used in securing the bond. A person shall not engage in exploration activity for the discovery of uranium until a bond
9 in the required amount has been filed with the ~~department~~ Department and an exploration permit has been issued.

10 (b) The required amount of the bond shall ~~that will be required is to be~~ determined as follows:

11 (1) The applicant shall provide the ~~department~~ Department with an estimate of the total length of the
12 vehicular access roads ~~that which will~~ involve the cutting of vegetation and/or or grading and of the
13 number of exploratory drill holes and test pits;

14 (2) The minimum amount of any bond shall be five thousand dollars (\$5,000.00). In addition to the
15 minimum bond amount of five thousand dollars (\$5,000.00), an additional bond amount shall be
16 required at the rate of two dollars (\$2.00) per each linear foot of vehicular access road and of two
17 hundred dollars (\$200.00) per each exploratory drill hole or test pit; and

18 (3) If the ~~department~~ Department determines that the amount of the bond required under Subparagraph
19 (b)(2) of this Rule is ~~either excessive or inadequate~~ to complete the required abandonment, due to
20 ~~specific site conditions~~, the ~~department~~ Department may negotiate a different bond amount that shall
21 ~~will~~ assure adequate abandonment in the event of bond forfeiture.

22 (c) A permittee shall be in violation of its permit if the length of the vehicular access roads or the number of
23 exploratory drill holes or test pits exceeds the length or number authorized by the amount of its bond.

24
25 *History Note:* Authority G.S. 74-78; 74-79; 74-80; 74-81; 74-86; 7479; 7486;

26 *Eff. December 1, 1983;*

27 *Readopted Eff. August 1, 2026.*
28

1 15A NCAC 05G .0105 IS READOPTED WITH CHANGES AS PUBLISHED IN 40:08 NCR 733 AS FOLLOWS:

2
3 **15A NCAC 05G .0105 DRILLING: CASING: TESTING AND ABANDONMENT**

4 The methods and procedures utilized in drilling, casing, ~~testing~~ testing, and abandonment shall be in accordance with
5 the requirements of ~~Title 15A NCAC Subchapter 2C~~, of 15A NCAC ~~[02C]~~ 02C, Section .0100, Criteria and Standards
6 Applicable to Water Supply and Certain Other Type Wells, and is hereby incorporated by reference, including
7 subsequent amendments and editions, and may be accessed free of charge at [https://www.deq.nc.gov/water-](https://www.deq.nc.gov/water-quality/planning/csu/rules-webpage/rule-ch2-sub2c-sec0100-20091001-dwq-pln-csu/download)
8 [quality/planning/csu/rules-webpage/rule-ch2-sub2c-sec0100-20091001-dwq-pln-csu/download](https://www.deq.nc.gov/water-quality/planning/csu/rules-webpage/rule-ch2-sub2c-sec0100-20091001-dwq-pln-csu/download).

9
10 *History Note:* Authority G.S. 74-78; ~~74-86; 143B-290; 74-86; 143B-290;~~

11 *Eff. December 1, 1983;*

12 *Readopted Eff. August 1, 2026.*

Burgos, Alexander N

Subject: FW: [External] Re: NC Mining Commission - Rules for July 2026 RRC Meeting
Attachments: 15A NCAC 05A .0202 v3.docx

From: Parr, Adam <adam.parr@deq.nc.gov>
Sent: Tuesday, July 28, 2026 2:15 PM
To: Miller, Christopher S <christopher.miller@oah.nc.gov>; Unnone, Victor <vunnone@ncdoj.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Everett, Jennifer <jennifer.everett@deq.nc.gov>; Young, Elizabeth S <esyoung@ncdoj.gov>
Subject: RE: [External] Re: NC Mining Commission - Rules for July 2026 RRC Meeting

Chris,
Thanks. The revisions have been made as requested.

Adam Parr, PE

Deputy Director – Program Operations
Division of Energy, Mineral and Land Resources
North Carolina Department of Environmental Quality
Office: (919) 707-9207 | Cell: (919) 441-7157
adam.parr@deq.nc.gov
Physical Address: 512 N Salisbury Street
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Mailing Address: 1612 Mail Service Center
Raleigh, North Carolina 27699-1612
Mining Program Website:
<https://deq.nc.gov/mining-program>



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1 15A NCAC 05A .0202 IS READOPTED WITH CHANGES AS PUBLISHED IN 40:08 NCR 733 AS FOLLOWS:

2
3 **15A NCAC 05A .0202 DELEGATION AUTHORITIES AND DEFINITIONS**

4 (a) The Director, Division of Energy, Mineral, and Land Resources, Department of Environmental Quality,
5 Department of Environment, Health, and Natural Resources, shall have the following powers and duties with regard
6 to necessary to administer the administration of the Mining Act of 1971-1971, as set forth in Article 7, Chapter 74 of
7 the General Statutes, including:

- 8 (1) the issuance, denial, modification, renewal, ~~suspension~~ suspension, transfer, and revocation of
9 permits;
10 (2) the approval of reclamation plans;
11 (3) the initiation of forfeiture proceedings;
12 (4) the giving of notices, setting of [hearings] hearings, and taking of action upon findings of violations;
13 and
14 (5) the institution of all criminal and civil actions.

15 (b) The Director, Division of Energy, Mineral, and Land Resources, Department of Environmental Quality,
16 Department of Environment, Health, and Natural Resources shall have the following powers and duties necessary to
17 administer with regard to the administration of the Control of Exploration for Uranium in North Carolina Act of 1983-
18 1983, as set forth in Article 8, Chapter 74 of the General Statutes, including:

- 19 (1) the issuance, denial, modification, renewal, ~~suspension~~ suspension, transfer, and revocation of
20 permits;
21 (2) the review of the plans for the initiation and approval of the abandonment of affected land;
22 (3) the inspection and approval of the abandonment of affected land;
23 (4) the giving of notices, setting of hearings, and taking of action upon findings of violations; and
24 (5) the institution of all criminal and civil actions.

25 (c) The definitions found in Article 7 of Chapter 74 of the General Statutes and the following definitions apply to
26 Subchapters 05A, 05B, [05F] 05F, and 05G of Chapter 5 of Title 15A of the North Carolina Administrative
27 Code:

- 28 (1) “Administrative [Change”] change” means any change initiated by the Department or requested by
29 the applicant to correct [errors] errors, [including,] including grammatical errors, typographical
30 errors, and map inaccuracies, that do not substantively change the permit.
31 (2) “Affected land”, as defined in G.S. [74-49(1)] 74-49(1), shall not include an unrelated use that (i)
32 does not meet the definition of mining set forth in G.S. 74-49(7) and (ii) [that] occurs within the
33 permit boundaries, including activities pertaining to agriculture and silviculture including timber
34 harvesting, (iii) where an erosion and sedimentation plan is approved pursuant to G.S. 113A, Article
35 4, when required, and (iv) the unrelated use area is shown on the mine map.
36 (3) "Contaminants" shall be defined as set forth in [42 USC 9601(33)] 42 U.S.C. 9601(33), "Pollutants
37 or Contaminants", which is hereby incorporated by reference, including any amendments or

subsequent editions. Copies may be accessed at <https://www.govinfo.gov/content/pkg/USCODE-2023-title42/html/USCODE-2023-title42-chap103-subchapI-sec9601.htm> at no charge.

(4) "Director" means the Director of the Division of Energy, ~~Mineral~~ Mineral, and Land Resources of the Department of Environmental Quality, or any ~~Department~~ position to which the Director has delegated ~~their~~ his or her authority.

(5) "Division" means the Division of Energy, Mineral, and Land ~~Resources~~ Resources of the Department of Environmental Quality.

(6) "Filed" or "Filing", as applicable to G.S. 74-51(b), shall be deemed to occur at the start of the following business ~~day~~ day when an application is submitted electronically outside of business hours.

(7) "Mining ~~Buffer~~ buffer" means an unexcavated, undisturbed, or vegetative area managed to protect adjacent land owners or ~~areas needing spatial protections~~ area of special concern.

(A) "Unexcavated" means no mine excavation shall occur. Unexcavated buffers may be used for roadways, ~~berms~~ berms, and erosion and sedimentation control or stabilization. Excavation may be allowed for sediment basins or erosion and sedimentation control when shown on the mine map.

(B) "Undisturbed" means no disturbance shall occur.

(C) "Vegetative ~~Buffer~~ buffer" means an unexcavated buffer that may be managed through landscaping or additional plantings.

(8) "Non-public ~~roads~~ road" means any private road that is not maintained by the State or ~~had~~ has no maintenance requirements delegated to a municipality. Temporary access roads utilized for exploratory purposes shall not be considered non-public roads when they comply with any requirements for approvals pursuant to G.S. 113A, Article 4.

(9) "Notice", as applicable to G.S. 74-50(b3), includes written or electronic correspondence.

(10) "On-site ~~Construction~~ construction" means development of a site where the primary purpose is to construct, develop, or ~~erect~~ erect structures, infrastructure, or waste facilities, and the removal, but not sale, of any extracted material off-site is incidental to the primary purpose and ~~time limited~~ time-limited.

(11) "Transfer ~~Material~~ material" means material brought into the mine permit boundary for the purpose of blending, recycling, or upgrading of ~~onsite~~ on-site materials for the purpose of resale.

History Note: Authority G.S. 74-50 through 74-53; 74-56 to 74-59; ~~74-63~~; ~~74-75~~ through ~~74-85~~; 74-87; ~~143B-290~~; ~~143B-290~~;
Eff. February 1, 1976;
Amended Eff. January 31, 1979; September 3, 1976;
Readopted Eff. August 1, 1982;
Amended Eff. August 1, 2012 (see S.L. 2012-143, s.1(f)); April 1, 1990; December 1, 1983;

1
2

Readopted Eff. August 1, 2026.

Burgos, Alexander N

Subject: FW: [External] Re: NC Mining Commission - Rules for July 2026 RRC Meeting

From: Miller, Christopher S <christopher.miller@oah.nc.gov>

Sent: Tuesday, July 28, 2026 11:16 AM

To: Parr, Adam <adam.parr@deq.nc.gov>; Unnone, Victor <vunnone@ncdoj.gov>; Everett, Jennifer <jennifer.everett@deq.nc.gov>; Young, Elizabeth S <esyoung@ncdoj.gov>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Miller, Christopher S <christopher.miller@oah.nc.gov>

Subject: RE: [External] Re: NC Mining Commission - Rules for July 2026 RRC Meeting

Also, just a heads up to you all – since these finalized rules won't be posted until later today, Commissioners might ask for additional time to review them. So it's possible that a proposed extension comes up at or before Thursday's meeting.

Thanks,
Chris

Chris Miller

Rules Review Commission Counsel

North Carolina Office of Administrative Hearings | Rules Division

1711 New Hope Church Road

Raleigh, NC 27609

(984) 236-1935

NOTICE: E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by authorized State officials.

Burgos, Alexander N

Subject: FW: [External] Re: NC Mining Commission - Rules for July 2026 RRC Meeting
Attachments: 15A NCAC 05A .0202 v2.docx

From: Parr, Adam <adam.parr@deq.nc.gov>
Sent: Tuesday, July 28, 2026 9:23 AM
To: Miller, Christopher S <christopher.miller@oah.nc.gov>; Unnone, Victor <vunnone@ncdoj.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Everett, Jennifer <jennifer.everett@deq.nc.gov>; Young, Elizabeth S <esyoung@ncdoj.gov>
Subject: RE: [External] Re: NC Mining Commission - Rules for July 2026 RRC Meeting

Chris,
Thanks for the heads up. It's tough to see when there are so many attachments.

Thanks,
Adam Parr, PE

Deputy Director – Program Operations
Division of Energy, Mineral and Land Resources
North Carolina Department of Environmental Quality
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Mining Program Website:
<https://deq.nc.gov/mining-program>



Email correspondence to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties

1 15A NCAC 05A .0202 IS READOPTED WITH CHANGES AS PUBLISHED IN 40:08 NCR 733 AS FOLLOWS:

2
3 **15A NCAC 05A .0202 DELEGATION AUTHORITIES AND DEFINITIONS**

4 (a) The Director, Division of Energy, Mineral, and Land Resources, Department of Environmental Quality,
5 Department of Environment, Health, and Natural Resources, shall have the following powers and duties with regard
6 to necessary to administer the administration of the Mining Act of 1971-1971, as set forth in Article 7, Chapter 74 of
7 the General Statutes, [statutes,] including:

- 8 (1) the issuance, denial, modification, renewal, ~~suspension~~ suspension, transfer, and revocation of
9 permits;
10 (2) the approval of reclamation plans;
11 (3) the initiation of forfeiture proceedings;
12 (4) the giving of notices, setting of [hearings] hearings, and taking of action upon findings of violations;
13 and
14 (5) the institution of all criminal and civil actions.

15 (b) The Director, Division of Energy, Mineral, and Land Resources, Department of Environmental Quality,
16 Department of Environment, Health, and Natural Resources shall have the following powers and duties necessary to
17 administer with regard to the administration of the Control of Exploration for Uranium in North Carolina Act of 1983-
18 1983, as set forth in Article 8, Chapter 74 of the General Statutes, including:

- 19 (1) the issuance, denial, modification, renewal, ~~suspension~~ suspension, transfer, and revocation of
20 permits;
21 (2) the review of the plans for the initiation and ~~approval~~ of the abandonment of affected land;
22 (3) the inspection and approval of the abandonment of affected land;
23 (4) the giving of notices, setting of hearings, and taking of action upon findings of violations; and
24 (5) the institution of all criminal and civil actions.

25 (c) The definitions found in Article 7 of Chapter 74 of the General Statutes and the following definitions apply to
26 Subchapters 05A, 05B, [05F] 05F, and 05G of Chapter 5 of Title 15A of the North Carolina Administrative
27 Code:

- 28 (1) “Administrative [Change”] change” means any change initiated by the Department or requested by
29 the applicant to correct [errors] errors, [including,] including grammatical errors, typographical
30 errors, and map inaccuracies, that do not substantively change the permit.
31 (2) “Affected land”, as defined in G.S. [74-49(1)] 74-49(1), shall not include an unrelated use that does
32 not meet the definition of mining set forth in G.S. 74-49(7) and [that] occurs within the permit
33 boundaries, including activities pertaining to agriculture and silviculture including timber
34 harvesting, where an erosion and sedimentation plan is approved pursuant to G.S. 113A, Article 4,
35 when required, and the unrelated use area is shown on the mine map.
36 (3) "Contaminants" shall be defined as set forth in [42 USC 9601(33)] 42 U.S.C. 9601(33), "Pollutants
37 or Contaminants", which is hereby incorporated by reference, including any amendments or

subsequent editions. Copies may be accessed at <https://www.govinfo.gov/content/pkg/USCODE-2023-title42/html/USCODE-2023-title42-chap103-subchapI-sec9601.htm> at no charge.

(4) "Director" means the Director of the Division of Energy, ~~Mineral~~ Mineral, and Land Resources of the Department of Environmental Quality, or any ~~Department~~ position to which the Director has delegated ~~their~~ his or her authority.

(5) "Division" means the Division of Energy, Mineral, and Land ~~Resources~~ Resources of the Department of Environmental Quality.

(6) "Filed" or "Filing", as applicable to G.S. 74-51(b), shall be deemed to occur at the start of the following business ~~day~~ day when an application is submitted electronically outside of business hours.

(7) "Mining ~~Buffer~~ buffer" means an unexcavated, undisturbed, or vegetative area managed to protect adjacent land owners or ~~areas needing spatial protections~~ area of special concern.

(A) "Unexcavated" means no mine excavation shall occur. Unexcavated buffers may be used for roadways, ~~berms~~ berms, and erosion and sedimentation control or stabilization. Excavation may be allowed for sediment basins or erosion and sedimentation control when shown on the mine map.

(B) "Undisturbed" means no disturbance shall occur.

(C) "Vegetative ~~Buffer~~ buffer" means an unexcavated buffer that may be managed through landscaping or additional plantings.

(8) "Non-public ~~roads~~ road" means any private road that is not maintained by the State or ~~had~~ has no maintenance requirements delegated to a municipality. Temporary access roads utilized for exploratory purposes shall not be considered non-public roads when they comply with any requirements for approvals pursuant to G.S. 113A, Article 4.

(9) "Notice", as applicable to G.S. 74-50(b3), includes written or electronic correspondence.

(10) "On-site ~~Construction~~ construction" means development of a site where the primary purpose is to construct, develop, or ~~erect~~ erect structures, infrastructure, or waste facilities, and the removal, but not sale, of any extracted material off-site is incidental to the primary purpose and ~~time limited~~ time-limited.

(11) "Transfer ~~Material~~ material" means material brought into the mine permit boundary for the purpose of blending, recycling, or upgrading of ~~onsite~~ on-site materials for the purpose of resale.

History Note: Authority G.S. 74-50 through 74-53; 74-56 to 74-59; ~~74-63~~; ~~74-75~~ through ~~74-85~~; 74-87; ~~143B-290~~; ~~143B-290~~;
Eff. February 1, 1976;
Amended Eff. January 31, 1979; September 3, 1976;
Readopted Eff. August 1, 1982;
Amended Eff. August 1, 2012 (see S.L. 2012-143, s.1(f)); April 1, 1990; December 1, 1983;

1

Readopted Eff. August 1, 2026.

2

1 15A NCAC 05A .0202 IS READOPTED WITH CHANGES AS PUBLISHED IN 40:08 NCR 733 AS FOLLOWS:

2
3 **15A NCAC 05A .0202 DELEGATION AUTHORITIES AND DEFINITIONS**

4 (a) The Director, Division of Energy, Mineral, and Land Resources, Department of Environmental Quality,
5 Department of Environment, Health, and Natural Resources, shall have the following powers and duties with regard
6 to necessary to administer the administration of the Mining Act of 1971-1971, as set forth in Article 7, Chapter 74 of
7 the General Statutes, [statutes,] including:

- 8 (1) the issuance, denial, modification, renewal, ~~suspension~~ suspension, transfer, and revocation of
9 permits;
10 (2) the approval of reclamation plans;
11 (3) the initiation of forfeiture proceedings;
12 (4) the giving of notices, setting of [hearings] hearings, and taking of action upon findings of violations;
13 and
14 (5) the institution of all criminal and civil actions.

15 (b) The Director, Division of Energy, Mineral, and Land Resources, Department of Environmental Quality,
16 Department of Environment, Health, and Natural Resources shall have the following powers and duties necessary to
17 administer with regard to the administration of the Control of Exploration for Uranium in North Carolina Act of 1983-
18 1983, as set forth in Article 8, Chapter 74 of the General Statutes, including:

- 19 (1) the issuance, denial, modification, renewal, ~~suspension~~ suspension, transfer, and revocation of
20 permits;
21 (2) the review of the plans for the initiation and approval of the abandonment of affected land;
22 (3) the inspection and approval of the abandonment of affected land;
23 (4) the giving of notices, setting of hearings, and taking of action upon findings of violations; and
24 (5) the institution of all criminal and civil actions.

25 (c) The definitions found in Article 7 of Chapter 74 of the General Statutes and the following definitions apply to
26 Subchapters 05A, 05B, [05F] 05F, and 05G of Chapter 5 of Title 15A of the North Carolina Administrative
27 Code:

- 28 (1) “Administrative [Change”] change” means any change initiated by the Department or requested by
29 the applicant to correct [errors] errors, [including,] including grammatical errors, typographical
30 errors, and map inaccuracies, that do not substantively change the permit.
31 (2) “Affected land”, as defined in G.S. [74-49(1)] 74-49(1), shall not include an unrelated use that does
32 not meet the definition of mining set forth in G.S. 74-49(7) and [that] occurs within the permit
33 boundaries, including activities pertaining to agriculture and silviculture including timber
34 harvesting, where an erosion and sedimentation plan is approved pursuant to G.S. 113A, Article 4,
35 when required, and the unrelated use area is shown on the mine map.
36 (3) “Contaminants” shall be defined as set forth in [42 USC 9601(33)] 42 U.S.C. 9601(33), “Pollutants
37 or Contaminants”, which is hereby incorporated by reference, including any amendments or

subsequent editions. Copies may be accessed at <https://www.govinfo.gov/content/pkg/USCODE-2023-title42/html/USCODE-2023-title42-chap103-subchapI-sec9601.htm> at no charge.

(4) "Director" means the Director of the Division of Energy, ~~Mineral~~ Mineral, and Land Resources of the Department of Environmental Quality, or any ~~Department~~ position to which the Director has delegated ~~their~~ his or her authority.

(5) "Division" means the Division of Energy, Mineral, and Land ~~Resources~~ Resources of the Department of Environmental Quality.

(6) "Filed" or "Filing", as applicable to G.S. 74-51(b), shall be deemed to occur at the start of the following business ~~day~~ day when an application is submitted electronically outside of business hours.

(7) "Mining ~~Buffer~~ buffer" means an unexcavated, undisturbed, or vegetative area managed to protect adjacent land owners or ~~areas needing spatial protections~~ area of special concern.

(A) "Unexcavated" means no mine excavation shall occur. Unexcavated buffers may be used for roadways, ~~berms~~ berms, and erosion and sedimentation control or stabilization. Excavation may be allowed for sediment basins or erosion and sedimentation control when shown on the mine map.

(B) "Undisturbed" means no disturbance shall occur.

(C) "Vegetative ~~Buffer~~ buffer" means an unexcavated buffer that may be managed through landscaping or additional plantings.

(8) "Non-public ~~roads~~ road" means any private road that is not maintained by the State or ~~had~~ has no maintenance requirements delegated to a municipality. Temporary access roads utilized for exploratory purposes shall not be considered non-public roads when they comply with any requirements for approvals pursuant to G.S. 113A, Article 4.

(9) "Notice", as applicable to G.S. 74-50(b3), includes written or electronic correspondence.

(10) "On-site ~~Construction~~ construction" means development of a site where the primary purpose is to construct, develop, or ~~erect~~ erect structures, infrastructure, or waste facilities, and the removal, but not sale, of any extracted material off-site is incidental to the primary purpose and ~~time limited~~ time-limited.

(11) "Transfer ~~Material~~ material" means material brought into the mine permit boundary for the purpose of blending, recycling, or upgrading of ~~onsite~~ on-site materials for the purpose of resale.

History Note: Authority G.S. 74-50 through 74-53; 74-56 to 74-59; ~~74-63~~; ~~74-75~~ through ~~74-85~~; 74-87; ~~143B-290~~; ~~143B-290~~;
Eff. February 1, 1976;
Amended Eff. January 31, 1979; September 3, 1976;
Readopted Eff. August 1, 1982;
Amended Eff. August 1, 2012 (see S.L. 2012-143, s.1(f)); April 1, 1990; December 1, 1983;

1
2

Readopted Eff. August 1, 2026.

Burgos, Alexander N

Subject: FW: [External] Re: NC Mining Commission - Rules for July 2026 RRC Meeting
Attachments: Request for Changes - Mining Commission Responses 07.21.2026 - CSM.docx; 15A NCAC 05B .0114 v2.docx; 15A NCAC 05B .0115 v2.docx; 15A NCAC 05F .0101.docx; 15A NCAC 05A .0101 v2.docx; 15A NCAC 05B .0103 v2.docx; 15A NCAC 05B .0104 v2.docx; 15A NCAC 05B .0113 v2.docx; 15A NCAC 05B .0110.docx; 15A NCAC 05B .0111.docx; 15A NCAC 05B .0112.docx; 15A NCAC 05B .0116.docx; 15A NCAC 05B .0117.docx; 15A NCAC 05F .0103.docx; 15A NCAC 05F .0105.docx; 15A NCAC 05F .0106.docx; 15A NCAC 05F .0111.docx; 15A NCAC 05F .0112.docx; 15A NCAC 05G .0103.docx; 15A NCAC 05G .0104.docx; 15A NCAC 05G .0105.docx; 15A NCAC 05B .0105.docx; 15A NCAC 05B .0106.docx

From: Parr, Adam <adam.parr@deq.nc.gov>
Sent: Monday, July 27, 2026 3:51 PM
To: Miller, Christopher S <christopher.miller@oah.nc.gov>; Unnone, Victor <vunnone@ncdoj.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Everett, Jennifer <jennifer.everett@deq.nc.gov>; Young, Elizabeth S <esyoung@ncdoj.gov>
Subject: RE: [External] Re: NC Mining Commission - Rules for July 2026 RRC Meeting

Chris,

Please see the responses back to your second round of request for comment. I've also included the v2 rules where there were revisions to the second round of comments and the copies of the v1 rules from the first round.

Thanks,

Adam Parr, PE

Deputy Director – Program Operations
Division of Energy, Mineral and Land Resources
North Carolina Department of Environmental Quality
Office: (919) 707-9207 | Cell: (919) 441-7157
adam.parr@deq.nc.gov
Physical Address: 512 N Salisbury Street
Raleigh, NC 27604
Mailing Address: 1612 Mail Service Center
Raleigh, North Carolina 27699-1612
Mining Program Website:
<https://deq.nc.gov/mining-program>



1 15A NCAC 05A .0101 IS READOPTED WITH CHANGES AS PUBLISHED IN 40:08 NCR 733 AS FOLLOWS:

2
3 **15A NCAC 05A .0101 NAME AND ADDRESS**

4 The name of this agency shall be the North Carolina Mining ~~and Energy~~ Commission. Its address is Department of
5 Environmental Quality, Environment, Health, and Natural Resources, ~~P.O. Box 27687,~~ 1612 Mail Service Center,
6 Raleigh, North Carolina 27611-27699-1612.

7
8 *History Note: Authority G.S. 143B-290;*

9 *Eff. February 1, 1976;*

10 *Amended Eff. January 31, 1979;*

11 *Readopted Eff. August 1, 1982;*

12 *Amended Eff. August 1, 2012 (see S.L. 2012-143, s.1.(d)); April 1, 1990;*

13 *Readopted Eff. August 1, 2026.*

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Mining Commission

RULE CITATION: 15A NCAC 05A .0101

DEADLINE FOR RECEIPT: July 20, 2026

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

General Formatting: Please remove the underline and italics from the line numbers on the left-hand side of the page.

Response: The language has been revised as suggested.

The formatting has not been corrected. Please revise per my original comment.

Response: The language has been revised as suggested.

Line 5: The comma after "Environment, Health, and Natural Resources" should also be in strikethrough.

Response: The language has been revised as suggested.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Mining Commission

RULE CITATION: 15A NCAC 05A .0202

DEADLINE FOR RECEIPT: July 20, 2026

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

(a), line 6: If it is not defined elsewhere in your rules, you should include a legal citation following “the Mining Act of 1971”.

Response: Added “as set forth in Article 7, Chapter 74 of the General Statutes.”

Please capitalize “statutes” in the added text on line 7.

Response: The language has been revised as suggested.

(a)(1-5): Is the list here meant to be exhaustive? You state “shall have the following powers” on line 5 and then “including” on line 6, which makes it slightly confusing.

Response: This list is not meant to be exhaustive. As per the examples in the 2021 Administrative Rule Style Guide, Section 14.1, this section omits the word “only” and utilizes the work “including”.

(a)(1): The comma after “renewal” should also be in strikethrough.

Response: The language has been revised as suggested.

(a)(4): Add a comma after “setting of hearings”.

Response: The language has been revised as suggested.

(b), lines 15 and 16: If it is not defined elsewhere in your rules, you should include a legal citation following “the Control of Exploration for Uranium in North Carolina Act of 1983”.

Response: Added “as set forth in Article 8, Chapter 74 of the General Statutes.”

(b)(1-5): Is the list here meant to be exhaustive? You state “shall have the following powers” on line 14 and then “including” on line 16, which makes it slightly confusing.

Response: This list is not meant to be exhaustive. As per the examples in the 2021 Administrative Rule Style Guide, Section 14.1, this section omits the word “only” and utilizes the work “including”.

Christopher S. Miller
Commission Counsel

Date submitted to agency: July 09, 2026

(c), line 23: Add a comma after “05F”.

Response: The language has been revised as suggested.

(c)(1), line 25: “Change” does not need to be capitalized.

Response: The language has been revised as suggested.

(c)(1), line 26: Move the comma after “including” so that it follows “to correct errors”. It should read as, “... to correct errors, including grammatical errors, ...”.

Response: The language has been revised as suggested.

(c)(2), line 28: Add a comma after “G.S. 74-49(1)”.

Response: The language has been revised as suggested.

(c)(2), line 29: What definition of “mining”? The one set forth in G.S. 74-49(7)? If so, please include a reference here for clarity.

Response: Updated 15A NCAC 05A .0202(c) to reference the definitions found in Article 7, Chapter 74 of the General Statutes.

I still think this needs to be clarified in (c)(2). Please consider stating, “... that does not meet the definition of mining set forth in G.S. 74-49(7) and occurs ...”

Response: The language has been revised as suggested.

(c)(3), line 33: Please change “USC” to “U.S.C.”.

Response: The language has been revised as suggested.

(c)(3), line 33: Add a comma after “42 U.S.C. 9601(33)”.

Response: The language has been revised as suggested.

(c)(4), line 1: Add a comma after “Mineral”.

Response: The language has been revised as suggested.

(c)(4), line 2: Change “their” to “his or her”.

Response: The language has been revised as suggested.

Thanks. In addition, for clarity, would it make sense to add “Division” or “Department” in between “any” and “position”?

Response: The language has been revised as suggested.

(c)(5): Add “of the Department of Environmental Quality” for clarity.

Response: The language has been revised as suggested.

(c)(6), line 5: Delete the extra space after “occur”.

Response: The language has been revised as suggested.

(c)(6), line 6: Remove the comma after “business day”. It is not needed.

Christopher S. Miller
Commission Counsel

Date submitted to agency: July 09, 2026

Response: The language has been revised as suggested.

(c)(7): “Buffer” does not need to be capitalized.

Response: The language has been revised as suggested.

(c)(7), line 8: What is an “area of special concern”? Consider defining this or explaining.

Response: An area of special concern is *any area that may need additional spatial protections, such as a church, school, stream, wetland, cemetery, etc.*

Thanks. Is this explained or defined anywhere in your rules or statutes? If not, you should include it here in the rule. If it is, please reference that rule/statute here.

Response: The language has been revised as suggested.

(c)(7)(A), line 10: Add a comma after “berms”.

Response: The language has been revised as suggested.

(c)(7)(B): I’m not sure that this definition is clear. Consider refining this. What is meant by a “disturbance”?

Response: The word “disturbance” retains its commonly understood meaning. See, e.g., Disturbance, Merriam-Webster’s Online Dictionary, <https://www.merriam-webster.com/simple/disturbance> (defining disturbance as “a change in the position, arrangement, or order of something”). As per the structure of the Rule as written, an undisturbed buffer means that no changes to the area in question shall occur (i.e., no road construction). This is in contrast to an unexcavated buffer, where activities and changes may occur to the area in question, like road-construction, but mining excavation is disallowed.

Thanks for this. You state in your response, “an undisturbed buffer means that no changes to the area in question shall occur (i.e., no road construction).” Consider building on this for your definition in the Rule. I think this would be clearer. As currently written, would noise or light qualify as a “disturbance”? What if a person walked on the land and bent a small plant? Is that a “disturbance”? Or does it only capture larger changes made to the physical landscape? The definition used is ambiguous.

Response: Thank you for your comment and it is duly noted. However, we would ask to leave the definition as written.

(c)(7)(C): “Buffer” does not need to be capitalized.

Response: The language has been revised as suggested.

(c)(8), line 15: Change “Non-public roads” to “Non-public road”.

Response: The language has been revised as suggested.

(c)(8), line 15: Should “had” be changed to “has”?

Response: The language has been revised as suggested.

After re-reading this, please add “no” after “has”.

Response: The language has been revised as suggested.

(c)(10), line 20: “Construction” does not need to be capitalized.

Response: The language has been revised as suggested.

(c)(10), line 21: Delete the comma after “erect”.

Response: The language has been revised as suggested.

(c)(10), line 22: “time limited” should be hyphenated.

Response: The language has been revised as suggested.

(c)(11), line 23: “Material” does not need to be capitalized.

Response: The language has been revised as suggested.

(c)(11), line 24: Should “onsite” be hyphenated here, like how it is used in (c)(10)?

Response: The language has been revised as suggested.

History Note, Authority: Consider adding G.S. 74-63 and 74-86.

Response: G.S. 74-63 and 74-86 have been added as suggested.

History Note, Authority, lines 26 and 27: Per OAH’s Style Guide, you should avoid citing to broad ranges of statutes in the History Note when possible. Are all of these statutes relevant authority to this rule? Please confirm. Also, please correct the inconsistent use of dashes here.

Response: Because this is a definitions rule, numerous statutes in the Mining Act provide authority for the definitions. The Mining Commission has confirmed that all the statutes are relevant authority to the rule and corrected the dashes as suggested.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Mining Commission

RULE CITATION: 15A NCAC 05B .0103

DEADLINE FOR RECEIPT: July 20, 2026

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Fiscal Impact: You checked the box on Form 0400 for “substantial economic impact” of \$1,000,000+. Please confirm whether you have complied with the requirements set forth in the REINS Act when adopting this rule.

Response: Yes, the Commission complied with the REINS Act as the rules were approved by a unanimous vote of the commissioners.

(a), line 4: Consider re-writing to, “After an application for a new mining permit, permit modification, or permit transfer is approved ...”.

Response: The language has been revised as suggested.

*(c): How is this different than the language used at the end of (b)? Is this a different process? If so, make this clear in your rule. Is (c) for **initial** bond determinations while (b) is only for appeals of bond determinations?*

Response: Added “initial” to 15A NCAC 05B .0103(c) for clarity.

(d), lines 22-25: Does the Department set and approve the amount of such “substitute” bonds? As written, the rule is not clear. It seems as if the applicant makes this determination on their own.

Response: As per 74-54(b), bond amounts exclude “any area where reclamation has been completed and released from coverage by the Department.” This revised amount is included in the notice from the Department to the Permittee when a partial release occurs. Added “determined by the Department in accordance with this Rule” to clarify that the Department sets the substitute bond amount pursuant to the calculations established in Rule.

(e), line 27: Move “to be affected” to follow directly after “land”.

Response: The language has been revised as suggested.

(e), line 31: Add a comma after “transferred”.

Christopher S. Miller
Commission Counsel

Date submitted to agency: July 09, 2026

Response: The language has been revised as suggested.

(e)(1): I would suggest adding a title for each of the two tables listed here. I think this would improve clarity.

Response: Title added as suggested.

Please revert back to how it was displayed in your submitted rule. After looking at this, I don't think the title is needed at the top of the second table.

Response: The language has been revised as suggested.

(e)(1), table 2: Are the "types" of lands listed in row 1 defined or explained anywhere in your rules or elsewhere?

Response: "Type" refers to the Commodity Codes listed in column 1 and are defined in Table 1, not the column headings in the remainder of row 1.

Thanks. My question still stands. Are the site types listed across in row 1 defined or explained anywhere in your rules or elsewhere? Are these commonly used by the industry and the Department?

Response: Yes, these terms are commonly used by the industry and the Department and retain their commonly used meaning.

(e)(2) and (3): Capitalize the first word in these sentences.

Response: The language has been revised as suggested.

(e)(2): Is this two percent annual increase compounded? The rule should specify.

Response: This is simple interest calculated on a yearly basis.

(e)(2), lines 4 and 5: You state both "per year" and "on an annual basis" here. This is redundant. Remove one.

Response: To clarify, (e)(2) is specifically stating that the 2% increase is calculated per year as simple interest and the calculation occurs every year on July 1.

Thanks. My comment still stands. "Per year" and "annual basis" mean the same thing. You don't need to include them both here in the same sentence, describing the same increase. Remove one of them. Also, based on your response, the rule would make more sense if it read as something like: "The amounts included in Subparagraph (1) of this Paragraph shall be increased by two percent on July 1, 2027, and by two percent on each July 1 thereafter."

Response: The language has been revised as suggested.

(g)(2), line 4: Change the comma to a period at the end of this.

Response: The language has been revised as suggested.

(h), line 14: Add a comma after "G.S. 74-51(h)".

Response: The language has been revised as suggested.

(h), line 16: Add a comma after “60 days”.

Response: The language has been revised as suggested.

(i), line 17: Add a comma after “G.S. 74-51(d)(1)”.

Response: The language has been revised as suggested.

(i), line 17: Why do you use “security” here when “bond” is used everywhere else in the Rule up to this point?

Response: Changed to “bond” for consistency as suggested.

(j)(1)(A): Add a comma after “address”.

Response: The language has been revised as suggested.

(j)(1)(B), lines 22 and 23: Add a comma after “Quality” and after “Center”.

Response: The language has been revised as suggested.

(j)(1)(F): Remove the quotation marks from the name of the Act, add a comma after “1971”, and remove the parenthesis from “G.S. 74-46 through 74-68”.

Response: The language has been revised as suggested.

(j)(1)(F), line 32: Remove “and regulations”. Rules are state rules. Regulations refer to federal regulations.

Response: The language has been revised as suggested.

(j)(1)(G): Only “Signature” should be capitalized.

Response: The language has been revised as suggested.

(j)(1)(G): Add a comma after “title”.

Response: The language has been revised as suggested.

(j)(2)(A): Add a comma after “address”.

Response: The language has been revised as suggested.

(j)(2)(C): Add a comma after “address”.

Response: The language has been revised as suggested.

(j)(2)(E), line 13: Add a comma after “transfers”.

Response: The language has been revised as suggested.

(j)(2)(F), line 18: Remove “and regulations”. Rules are state rules. Regulations refer to federal regulations.

Response: The language has been revised as suggested.

(j)(2)(F), line 20: Same comment as above.

Response: The language has been revised as suggested.

(j)(2)(G): Remove the quotation marks from the name of the Act, add a comma after “1971”, and remove the parenthesis from “G.S. 74-46 through 74-68”.

Response: The language has been revised as suggested.

(j)(2)(G), lines 26 and 27: Why are you using a different way here to refer to the Mining Act? Be consistent throughout your rule.

Response: The language has been revised as suggested.

There is no change noted in the document provided. Also, do you need this language at the end of (G)? Could you not just delete, “by reason of the Mining Act 1971, Article 7, Chapter 74 of the General Statutes of North Carolina”?

Response: This is the specific language that needs to be included in the legal documents constituting the Assignment of Savings Account, similar to where the language appears in (j)(1)(F), (j)(3)(L), and (j)(4)(L).

(j)(2)(H): Only “Signature” needs to be capitalized.

Response: The language has been revised as suggested.

This change is not captured in the document provided.

Response: The language has been revised as suggested.

(j)(2)(H): Add a comma after “name”.

Response: The language has been revised as suggested.

This change is not captured in the document provided.

Response: The language has been revised as suggested.

(j)(2)(J): Only “Signature” needs to be capitalized.

Response: The language has been revised as suggested.

(j)(2)(J): Add a comma after “name”.

Response: The language has been revised as suggested.

(j)(3)(A): Add a comma after “address”.

Response: The language has been revised as suggested.

(j)(3)(B): Add a comma after “address”.

Response: The language has been revised as suggested.

(j)(3)(C): You state “Department of Environmental Quality” twice. Remove one.

Response: The language has been revised as suggested.

(j)(3)(C): Add a comma after “Quality” and “Center”.

Response: The language has been revised as suggested.

(j)(3)(J): Add a semi-colon at the end of this.

Response: The language has been revised as suggested.

(j)(3)(K): Change the period at the end of this to a semi-colon.

Response: The language has been revised as suggested.

(j)(3)(L): Remove the quotation marks from the name of the Act, add a comma after "1971", and remove the parenthesis from "G.S. 74-46 through 74-68".

Response: The language has been revised as suggested.

(j)(3)(M): Only "Signature" needs to be capitalized.

Response: The language has been revised as suggested.

(j)(3)(M): Add a comma after "name".

Response: The language has been revised as suggested.

(j)(4)(A): Add a comma after "address".

Response: The language has been revised as suggested.

(j)(4)(B): Add a comma after "address".

Response: The language has been revised as suggested.

(j)(4)(C): You state "Department of Environmental Quality" twice. Remove one.

Response: The language has been revised as suggested.

(j)(4)(C): Add commas after "Quality" and "Center".

Response: The language has been revised as suggested.

(j)(4)(J): Add a semi-colon at the end of this.

Response: The language has been revised as suggested.

(j)(4)(K): Change the period at the end of this to a semi-colon.

Response: The language has been revised as suggested.

(j)(4)(L): Remove the quotation marks from the name of the Act, add a comma after "1971", and remove the parenthesis from "G.S. 74-46 through 74-68".

Response: The language has been revised as suggested.

(j)(4)(M): Only "Signature" needs to be capitalized.

Response: The language has been revised as suggested.

(j)(4)(M): Add a comma after "name".

Response: The language has been revised as suggested.

(j)(5)(B): Add a period at the end of this.

Response: The language has been revised as suggested.

History Note, Authority: Change "7451" to "74-51" and "7454" to "74-54".

Christopher S. Miller
Commission Counsel

Date submitted to agency: July 09, 2026

Response: The language has been revised as suggested.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Christopher S. Miller
Commission Counsel
Date submitted to agency: July 09, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Mining Commission

RULE CITATION: 15A NCAC 05B .0104

DEADLINE FOR RECEIPT: July 20, 2026

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Line 1: Move "AS" to follow "WITH CHANGES".

Response: The language has been revised as suggested.

(a)(5): Add a comma after "estuarine".

Response: The language has been revised as suggested.

(b)(1): Add a comma after "subsequent land use".

Response: The language has been revised as suggested.

(b)(5): Add a comma after "siltation".

Response: The language has been revised as suggested.

(b)(9): Add a comma after "odious".

Response: The language has been revised as suggested.

(b)(10)(C): Change "county(s)" to "counties".

Response: The language has been revised as suggested.

(b)(10)(E): Add a space between "G.S." and "89C".

Response: The language has been revised as suggested.

(b)(11): Add a comma after "Paragraph" on line 29.

Response: The language has been revised as suggested.

(b)(11)(A) and (B): If you wish to enforce these manuals via your rules, you should incorporate them by reference in accordance with 150B-21.6.

Response: The language has been changed to comply with 150B-21.6.

Christopher S. Miller
Commission Counsel

Date submitted to agency: July 09, 2026

(b)(12): What is the relationship between (12) and the rest of (b)? Does (12) only apply if (11) is used/followed? Or is (12) always required? The “and” inserted at the end of (9) makes this a bit confusing.

Response: (12) is always required. The “and” inserted at the end of (9) has been deleted.

(c), line 3: Add a comma after “aerial photographs”.

Response: The language has been revised as suggested.

(c)(5), lines 9 and 10: Remove the parenthesis. They are not needed.

Response: The language has been revised as suggested.

Please add “, which” before “may”.

Response: The language has been revised as suggested.

(c)(12-17): Why is this text highlighted and underlined? Wasn’t this language proposed in the rule version published in the register? Please check this. Was the formatting in the register incorrect?

Response: Inconsistencies between the Regulatory Impact Analysis and the Register were identified in public comments. 05B .0104(12) was changed for clarity to say, “adjoining land as is specified in G.S. 74-50”. Underling was added to 05B .0104(13) – (17) to show that these are new paragraphs. The text following 05B .0104(17) was stricken to illustrate that it is proposed for removal.

Noted. Please remove only the highlighting from (c)(12-17) since that text was included in the Register. Please keep the highlighting for the text following 05B .0104(17) that was stricken.

Response: The language has been revised as suggested.

(c)(12-16): These should all end with semi-colons rather than periods.

Response: The language has been revised as suggested.

Add “and” to the end of (16).

Response: The language has been revised as suggested.

(c)(12-17): For consistency, you should not capitalize the first word for these provisions.

Response: The language has been revised as suggested.

(d)(2): Add a comma after “city”.

Response: The language has been revised as suggested.

(d)(2): Remove “and” at the end of this. This should be moved further down the list to follow at the end of new (4).

Response: The language has been revised as suggested.

(d)(3), line 17: Add a comma after “city”.

Response: The language has been revised as suggested.

(d)(4), line 25: Add a comma after “lessees” and “permittees”.

Response: The language has been revised as suggested.

(f)(4): Add a comma after “state”.

Response: The language has been revised as suggested.

(f)(4): Add a comma after “ranking official”.

Response: The language has been revised as suggested.

(f)(4): This should end with a semi-colon rather than a period.

Response: The language has been revised as suggested.

(f)(5): Does the last sentence of this only apply for LLCs? It seems like it applies for all of (f)(1-5). If that is the case, you should set this as its own paragraph. The current organization does not make sense.

Response: The language has been revised as suggested.

Thanks. I would remove the number “(6)” and just have this as stand-alone text following the list (but still as part of (f)) since this applies to all of paragraph (f) and the entire list.

Response: The language has been revised as suggested. In addition “or” was added at the end of (4).

History Note, Authority: Please fix the dashes used in the statutory citations.

Response: The language has been revised as suggested.

History Note, Authority: Add a semi-colon after “74-56”.

Response: The language has been revised as suggested.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Mining Commission

RULE CITATION: 15A NCAC 05B .0105

DEADLINE FOR RECEIPT: July 20, 2026

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Line 5: You should add a legal citation after the Mining Act unless you have already defined this elsewhere in your rules.

Response: The Mining Act is defined for the first time at 15A NCAC 05A .0202(a).

(1): Where exactly is this condition specified in 74-51? I don't see anything about erosion control conditions in there. I also didn't see anything about "mining operations". I suggest removing the statutory reference here, unless I am missing something. It seems to be unnecessary.

Response: The reference to G.S. 74-51 has been removed.

(2): This should end with a semi-colon rather than a period.

Response: The language has been revised as suggested.

(3): This should end with a semi-colon rather than a period.

Response: The language has been revised as suggested.

(4): This should end with a semi-colon rather than a period.

Response: The language has been revised as suggested.

(5): This should end with a semi-colon rather than a period.

Response: The language has been revised as suggested.

History Note, Authority: Please fix the dashes used in the statutory citations.

Response: The language has been revised as suggested. This appears to be a software error – when viewed in a web browser or as published in the Register, the dashes are correct, however when viewed in Microsoft Word double dashes are visible. The text has been replaced in the Rules to ensure this does not occur going forward.

Christopher S. Miller
Commission Counsel

Date submitted to agency: July 09, 2026

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Christopher S. Miller
Commission Counsel
Date submitted to agency: July 09, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Mining Commission

RULE CITATION: 15A NCAC 05B .0106 (REPEAL)

DEADLINE FOR RECEIPT: July 20, 2026

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

History Note, Authority: Please fix the dashes used in the statutory citations.

Response: The language has been revised as suggested.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Christopher S. Miller
Commission Counsel
Date submitted to agency: July 09, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Mining Commission

RULE CITATION: 15A NCAC 05B .0110

DEADLINE FOR RECEIPT: July 20, 2026y

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

(a): When exactly is reclamation of an area deemed to be “complete”? Can it not be an on-going process? Also, what is an “area of land”? This is not clear.

Response: The purpose of (a) is to specify that when a release is requested, a release request must be sent in to the Department. The requirements of the release request are the same as what is detailed in G.S. 74-55. The language has been changed to address the concerns about clarity and “area of land” has been changed to “area of affected land pursuant to G.S. 74-56.” The additional authority citation to G.S. 74-56 has been added.

(a): How does the operator have to notify the Department? In writing? By phone call? In any manner? Is there a deadline for such notification?

Response: There is no deadline. It is up to the permittee when they want to request release. A permittee can notify the Department by submitting a release request form. Language to that effect has been added.

(b), line 9: You state that the Department “may” waive the annual fee. If an agency “may” act, the rule shall state the factors, standards, or circumstances that will guide the agency in deciding whether to act, as required by G.S. 150B-19(6). Please clarify this in your rule. Would the agency ever deny the waiver?

Response: The language has been changed from “may” to “shall,” and the language has been updated to clarify that a waiver would not be granted if the “site is determined to not be eligible for release pursuant to G.S. 74-56, prior to December 31 of that same year.”

(b), line 10: For clarity, I suggest changing “the permit year” to “that permit year”.

Response: The language has been revised as suggested.

(b), line 11: I would suggest changing “may” to “shall”, if that aligns with your intent.

Response: The language has been revised as suggested.

Christopher S. Miller
Commission Counsel

Date submitted to agency: July 09, 2026

(b), line 11: Consider adding “of that same year” following “December 31”.

Response: The language has been revised as suggested.

History Note, Authority: How does G.S. 74-55 give you authority to require this notification and release request upon “completion of reclamation”? That statute only discusses annual reports for the activities of the entire prior year.

Response: G.S. 74-55(a) requires reports to be filed by September 1 each year, and paragraph (b) requires that an annual operating fee be paid with the report. The rule gives flexibility to payment of the fee if the annual report is a release request to ensure mine operators are not charged for a year in which they are not in fact operating. Added G.S. 74-56 has also been added as an additional authority for this rule. G.S. 74-56(a) states that “Upon receipt of the operator's annual report or report of completion of reclamation and at any other reasonable time the Department may elect, the Department shall cause the permit area to be inspected to determine whether the operator has complied with the reclamation plan, the requirements of this Article, any rules adopted under this Article, and the terms and conditions of the permit.” Additionally, G.S. 74-56(c) states that “[u]pon completion of reclamation of an area of affected land, the operator shall notify the Department. The Department shall make an inspection of the area, and if it finds that reclamation has been properly completed, it shall notify the operator in writing and release the operator from further obligations regarding the affected land.”

History Note, Authority: Please fix the dashes used in the statutory citations.

Response: The language has been revised as suggested.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Christopher S. Miller
Commission Counsel

Date submitted to agency: July 09, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Mining Commission

RULE CITATION: 15A NCAC 05B .0111

DEADLINE FOR RECEIPT: July 20, 2026

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

(b), line 10: What does “general coverage” mean? This is quite vague.

Response: The word “general” retains its commonly understood meaning. See, e.g., General, Merrian-Webster's Online Dictionary, <https://www.merriam-webster.com/dictionary/general> (defining “general” as “applicable to or characteristic of the majority of individuals involved”). As per the structure of the Rule as written, general is meant to convey that the media coverage is available to a majority of people or is prevalent in the impacted counties.

(b), line 10: Change “county(s)” to “counties”.

Response: The language has been revised as suggested.

(c), line 18: Consider changing “can” to “shall”.

Response: The language has been revised as suggested.

(e), line 26: Consider changing “will” to “shall”.

Response: The language has been revised as suggested.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Christopher S. Miller
Commission Counsel
Date submitted to agency: July 09, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Mining Commission

RULE CITATION: 15A NCAC 05B .0112

DEADLINE FOR RECEIPT: July 20, 2026

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

(b), line 17: Consider changing "is" to "shall be".

Response: The language has been revised as suggested.

History Note, Authority: Consider adding § 74-54.1 and § 74-63.

Response: G.S. 74-54.1 and G.S. 74-63 have been added.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Christopher S. Miller
Commission Counsel
Date submitted to agency: July 09, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Mining Commission

RULE CITATION: 15A NCAC 05B .0113

DEADLINE FOR RECEIPT: July 20, 2026

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Lines 6-8: Is this a discretionary decision made by the Director? Or are all extension requests granted?

Response: It is a discretionary decision made by the Director.

If an agency "may" act, the rule shall state the factors, standards, or circumstances that will guide the agency in deciding whether to act, as required by G.S. 150B-19(6). Please clarify in your rule how the Director would decide whether to grant an extension request.

Response: The language has been revised from "may" to "shall".

History Note, Authority: Please correct the dashes used in the statutory citations.

Response: The language has been revised as suggested.

History Note, Authority: At the end of line 12, "Note:" appears. This looks to be a typo. Please delete.

Response: The language has been revised as suggested.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Christopher S. Miller
Commission Counsel
Date submitted to agency: July 09, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Mining Commission

RULE CITATION: 15A NCAC 05B .0114 (Adoption)

DEADLINE FOR RECEIPT: July 20, 2026

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

General Comment: Does it make sense to include this new rule in Subchapter 05B, which relates to permitting and bonds? It feels out of place. Are you saying that this is a condition imposed on all permits?

Response: Yes, this is a condition imposed on all permits that have blasting as a proposed activity.

Noted. In (a), line 4, consider adding "permitted" before "site".

Response: The language has been revised as suggested.

General Formatting: The use of underlining and highlighting here is not correct given that this is a new rule/adoption with changes. Please follow the guidance on our website for "Permanent Adoption with changes from publication" at <https://www.oah.nc.gov/rule-format-examples#RuleFormatExamplesforPublicationintheNCAdministrativeCode-6063>.

Response: The language has been revised as suggested.

Highlighting is not used to denote changes to the rule text here. I have corrected this for you.

(a), line 4: You should define the term "blasting". This is the first time that you are using this in your rules.

Response: The word "blasting" retains its commonly understood meaning. See, e.g., Disturbance, Merriam-Webster's Online Dictionary, <https://www.merriam-webster.com/simple/blasting> (defining disturbance as "to shatter by or as if by an explosive" or "to remove, open, or form by or as if by an explosive").

(a), line 5: What does it mean to be "regularly occupied"? This is vague. What if the building is vacant and up for sale? Would it not count?

Christopher S. Miller
Commission Counsel

Date submitted to agency: July 09, 2026

Response: “Regularly occupied” means that a structure does not need to be permanently or continuously occupied, but is not abandoned.

If that is the meaning, then put it into your rule. Otherwise, this language is vague. For example, you could add a paragraph (j) that states something like, “For the purposes of this Rule, ‘regularly occupied’ means that a structure does not need to be permanently or continuously occupied, but it is not abandoned.”

Response: Thank you for your comment and it is duly noted. However, we would ask to leave the definition as written.

(b), line 9: Same comment as above. Also, why is the terminology used here different than that in (a)? Is it meant to have a separate meaning?

Response: Added “not owned or leased by the operator” for consistency throughout the rule.

(c), line 14: Add a space after “Handbook”.

Response: The language has been revised as suggested.

(c), page 2, lines 3-4: What does it mean to be “regularly occupied”? This is vague. What if the building is vacant and up for sale? Would it not count?

Response: Same answer as above regarding the “regularly occupied” language.

(d), line 9: Same comment as above.

Response: Same answer as above regarding the “regularly occupied” language.

(d), lines 10-11: I think there is some language missing here. Should this say something like, “... unless an alternate level is allowed based on ...” or “is deemed to be safe based on ...”?

Response: The language has been revised as suggested.

(e), line 13: Consider expanding “blasting” to say “air blast overpressure resulting from surface blasting”. I think this would improve clarity.

Response: The language has been changed to “air blast overpressure” for clarity.

(e), line 15: Add a space after “Handbook”.

Response: The language has been revised as suggested.

(e), lines 22-23: What does it mean to be “regularly occupied”? This is vague. What if the building is vacant and up for sale? Would it not count?

Response: Same answer as above regarding the “regularly occupied” language.

(e), line 26: Why do you state “air blast/overpressure” here? Can it not be written as “air blast overpressure”, as you previously used in (d)? Is this something different?

Response: The language has been revised as suggested.

(f), line 2: Should “with” or “on” be inserted before “a minimum delay of 1 milliseconds.”?

Response: The language has been revised as suggested.

(g)(1): *"Company" does not need to be capitalized.*

Response: The language has been revised as suggested.

(g)(11): *Same comment regarding the use of "regularly occupied" structure.*

Response: Same answer as above regarding the "regularly occupied" language.

(g)(13): *"Whether" does not need to be capitalized.*

Response: The language has been revised as suggested.

(h): *Who determines what "all reasonable precautions" entails? Does everyone agree on what is a "reasonable" precaution? Are costs considered in this? This language is vague.*

Response: The phrase "all reasonable" has been stricken.

(i), lines 22-23: *I suggest changing "these blasting conditions" to "the blasting conditions set forth in this Rule".*

Response: The language has been revised as suggested.

(i), line 23: *What constitutes "making an effort"? This is vague. And what is a "production blasting program"?*

Response: The phrase "making an effort" has been stricken and changed to "evaluate." Additional language has been added for clarity. The production blasting program is the operation's blasting activities for when an operation is conducting a production blast.

In (i), line 22, for consistency, change "the level allowed by these blasting conditions" to "the level allowed by the blasting conditions set forth in this Rule".

Response: The language has been revised as suggested.

History Note, Authority: Where does the Commission's authority come from to regulate blasting with this level of specificity, and to also apply it broadly to all permittees without application to the specific circumstances?

Response: G.S. 74-63 states that the Commission "may adopt rules necessary to administer. . ." the Mining Act. G.S. 74-51(d)(1)-(7) list criteria for permit denial. Those provisions contemplate denial of a permit, and thus restricted ability to mine, based on the potential adverse effects and physical hazards caused by mining operations. Due to the potential severity of impacts blasting practices may cause to the land, groundwater, local wildlife, marine life, and nearby structures, which blasting may contribute to a detailed rule is necessary to ensure safe practices are used and unsafe practices may be enforced against. This rule was adopted to minimize impacts and ensure the safe operation of mines. The rule is limited to sites that use blasting and would not apply where such practices do not take place.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Christopher S. Miller
Commission Counsel

Date submitted to agency: July 09, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Mining Commission

RULE CITATION: 15A NCAC 05B .0115 (Adoption)

DEADLINE FOR RECEIPT: July 20, 2026

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

(a), line 5: What "Act"? be specific.

Response: Added "The Mining Act of 1971."

Please add the legal citation following the name of the Act, as you have done in other rules.

Response: The language has been revised as suggested.

(a), line 5: Consider changing "does not" to "shall not".

Response: The language has been revised as suggested.

(b)(3), line 17: What "Article" are you referencing? Be specific.

Response: Added "Article 7."

This is not a full citation. Article 7 of what? Be specific so that it clearly points to the law.

Response: The language has been revised as suggested.

(b)(5): Add "(a)" before "(15)". Also, rule 15A NCAC 05B .0104 does not have an (a)(15). As submitted, it ends at (a)(14). Please check this reference and correct as needed.

Response: The language has been revised as suggested.

(b)(5): Add a period at the end of this.

Response: The language has been revised as suggested.

(b)(6): Add commas after "lessees" and "permittees".

Response: The language has been revised as suggested.

(f), line 36: What "Article" are you referencing? Be specific.

Christopher S. Miller

Commission Counsel

Date submitted to agency: July 09, 2026

Response: Added “Article 7.”

Same comment as above.

Response: The language has been revised as suggested.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Mining Commission

RULE CITATION: 15A NCAC 05B .0116 (Adoption)

DEADLINE FOR RECEIPT: July 20, 2026

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

(a), line 4: Add “mining” before “permit changes”.

Response: The language has been revised as suggested.

(a)(1): Please correct the line indentation here so that it aligns with (2)-(5).

Response: The language has been revised as suggested.

(a)(4): For clarity, consider adding “that complies with Rule .0103 of this Section” after “in the new corporate name”.

Response: The language has been revised as suggested.

(a)(5), line 18: Add commas after “lessees” and “permittees”.

Response: The language has been revised as suggested.

*(b), line 20: Shouldn't this say, “Upon approval of the **permit transfer ...**”? The Commission doesn't approve corporate name changes.*

Response: The language has been revised as suggested.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Christopher S. Miller
Commission Counsel
Date submitted to agency: July 09, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Mining Commission

RULE CITATION: 15A NCAC 05B .0117 (Adoption)

DEADLINE FOR RECEIPT: July 20, 2026

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

General Comment: Why is this Rule necessary? G.S. 74-51(h) states, "The operating permit shall not be issued until receipt of this deposit." So, it should already be understood that no permit is valid and issued until the security requirement has been met. What is the effect of this Rule? What is it doing?

Response: This rule clarifies that there may be times where DEMLR will share a draft permit with a permittee, but those terms should not be considered binding until the bond is in place. It gives the permittee a chance to provide feedback on the permit before it is issued.

Line 4: Add "and" or "but" in between "application" and "prior".

Response: Added "and" in between "application" and "prior."

Line 7: What is "timely approval"? I'm not sure what you're referring to here. There are no approval deadlines set forth in (h). There is only a deadline for permittees to submit the security. I would suggest clarifying this language.

Response: The word "timely" was removed from the rule as it was not necessary.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Christopher S. Miller
Commission Counsel

Date submitted to agency: July 09, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Mining Commission

RULE CITATION: 15A NCAC 05F .0101

DEADLINE FOR RECEIPT: July 20, 2026

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

General Comment: Is this rule necessary? What is the effect of this rule? The RRC generally frowns upon Purpose rules unless they are truly needed.

Response: This rule specifies that these Rules spell out the procedures and standards the Director of DEMLR must follow when issuing civil penalty assessments related to the Mining Program.

Got it. Consider rewriting the rule as, "The procedures and standards set forth in the rules of this Subchapter shall be followed by the Director in assessing civil penalties." As currently written, this is more of a general description of other rules rather than a binding statement.

Response: The language has been revised as suggested.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Christopher S. Miller
Commission Counsel
Date submitted to agency: July 09, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Mining Commission

RULE CITATION: 15A NCAC 05F .0103

DEADLINE FOR RECEIPT: July 20, 2026

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*Line 4: Is this Rule saying that penalties can **only** be assessed by the Director? If so, I suggest changing "may" to "shall".*

Response: No, the Director can delegate the authority to assess Civil Penalties.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Christopher S. Miller
Commission Counsel
Date submitted to agency: July 09, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Mining Commission

RULE CITATION: 15A NCAC 05F .0105

DEADLINE FOR RECEIPT: July 20, 2026

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

(b), line 13: Change "violation(s)" to "violations".

Response: The language has been revised as suggested.

History Note, Authority: Please correct the dashes used in the statutory citations.

Response: The language has been revised as suggested.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Christopher S. Miller
Commission Counsel
Date submitted to agency: July 09, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Mining Commission

RULE CITATION: 15A NCAC 05F .0106

DEADLINE FOR RECEIPT: July 20, 2026

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Line 10: Since you've deleted paragraph (a), I would suggest adding "required by G.S. 74-64(a)(1)" after "the notice of violation".

Response: The language has been revised as suggested.

Line 11: Change "violation(s)" to "violations".

Response: The language has been revised as suggested.

Line 12: Same comment as noted above.

Response: The language has been revised as suggested.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Christopher S. Miller
Commission Counsel
Date submitted to agency: July 09, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Mining Commission

RULE CITATION: 15A NCAC 05F .0111 (Repeal)

DEADLINE FOR RECEIPT: July 20, 2026

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

No comments.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Christopher S. Miller
Commission Counsel
Date submitted to agency: July 09, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Mining Commission

RULE CITATION: 15A NCAC 05F .0112 (Repeal)

DEADLINE FOR RECEIPT: July 20, 2026

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Form 0400: The form for this rule appears to be missing your signature in box 11. Please update and resubmit the Form to me.

Response: Form 0400 has now been signed, and an updated Form is attached.

History Note, Authority: For consistency, you should also strike out 74-62 here (since that statute has been repealed).

Response: The language has been revised as suggested.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Christopher S. Miller
Commission Counsel
Date submitted to agency: July 09, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Mining Commission

RULE CITATION: 15A NCAC 05G .0103

DEADLINE FOR RECEIPT: July 20, 2026

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Line 4: Change "is" to "shall be".

Response: The language has been revised as suggested.

History Note, line 8: Insert "Eff." between "Readopted" and "August".

Response: The language has been revised as suggested.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Christopher S. Miller
Commission Counsel
Date submitted to agency: July 09, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Mining Commission

RULE CITATION: 15A NCAC 05G .0104

DEADLINE FOR RECEIPT: July 20, 2026

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

(b)(1), line 12: Avoid using "and/or" in rules. Rather, consider just using "or".
Response: The language has been revised as suggested.

History Note, Authority: Consider adding § 74-80 and 74-81.
Response: G.S. 74-80 and G.S. 74-81 have been added.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Mining Commission

RULE CITATION: 15A NCAC 05G .0105

DEADLINE FOR RECEIPT: July 20, 2026

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Line 4: Add a comma after "testing".

Response: The language has been revised as suggested.

Line 5: Add a comma after "15A NCAC 02C".

Response: The language has been revised as suggested.

Lines 6-7: This does not fully meet the incorporation requirements of G.S. 150B-21.6. Please specify in the rule both where copies of the material can be obtained and the cost on the date the rule is adopted of a copy of the material.

Response: The language has been updated to fully incorporate the requirements of G.S. 150B-21.6.

History Note, Authority: Please correct the dashes used in the statutory citations.

Response: The language has been revised as suggested.

History Note, line 11: Please add "Eff." between "Readopted" and "August".

Response: The language has been revised as suggested.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Christopher S. Miller
Commission Counsel
Date submitted to agency: July 09, 2026

1 15A NCAC 05B .0103 IS READOPTED AS PUBLISHED IN 40:08 NCR 733 WITH CHANGES AS FOLLOWS:

2
3 **15A NCAC 05B .0103 BONDING REQUIREMENTS**

4 (a) After an application for a new mining ~~permit~~ permit, or permit ~~renewal, modification, modification,~~ or transfer is
5 ~~considered approvable-~~ approved by the Department, an applicant or permittee ~~shall~~ must file a bond with the
6 Department in an amount to be determined by the ~~Director,~~ Director in accordance with this Rule and G.S. 74-54.

7 (b) If the applicant or permittee disagrees with the bond amount determined by the Director, the applicant or permittee
8 may submit to the Director for consideration, an estimate of reclamation costs from a third-party contractor to be used
9 as the bond amount. The estimate shall be provided to the Director within 30 days following the receipt of the
10 Director's initial bond determination. After considering the estimate and recommendations ~~provided by Division~~ his
11 staff, the Director shall notify the applicant or permittee of ~~his~~ the bond determination and the process and conditions
12 used to set the bond amount.

13 (c) The Director ~~may~~ shall ~~invite~~ allow the applicant or permittee to submit to the Department an estimate of
14 reclamation costs from a third-party contractor for the Director's use in determining the initial required bond amount.
15 After considering the estimate and the recommendations provided by ~~his~~ Division staff, the Director shall notify the
16 applicant or permittee of ~~his~~ the initial bond determination and the process and conditions used to set the bond amount.

17 (d) The amount of the bond shall be based on the costs to reclaim the affected land as determined by the reclamation
18 plan approved pursuant to G.S. 74-53 and ~~15A NCAC 5B .0004(b).~~ 15A NCAC 05B .0104(b). ~~The bond amount shall~~
19 ~~be based on a range of five hundred dollars (\$500.00) to five thousand (\$5000.00) per acre of land approved by the~~
20 ~~Department to be affected.~~ If the mining permit is modified to increase the total affected land, the bond shall be
21 increased ~~accordingly~~ pursuant to this Rule. The Director shall consider the method and extent of the required
22 reclamation for a particular site in determining the bond amount. As areas at a site are reclaimed and formally released
23 by the Department, the permittee may substitute a bond in an amount determined by the Department in accordance
24 with this Rule covering the remaining affected land at the site for the bond previously filed with the Department;
25 otherwise, without such bond substitution, the Department shall retain the previously filed bond until all reclamation
26 has been completed and approved by the Department.

27 (e) The initial bond calculation amount shall be based upon the criteria included in the table in Subparagraph (1) of
28 this Paragraph and applied per acre of land ~~to be affected~~ approved by the ~~[Department to be affected.]~~ Department.
29 The criteria in Subparagraph (1) of this Paragraph does not apply to existing bonds already on file with the Department,
30 until action is required to change the bond, including new, [transfer] transferred, and modified mining permits on file
31 with the ~~[Department or compliance action taken by the Department.]~~ Department, or pursuant to compliance action
32 taken by the Department resulting in requirement for an application for new, [transferred] transferred, or modified
33 mining permits.

34 (1) Table of Mining Reclamation Factors.

35

<u>Commodity Codes:</u>			
<u>SG</u>	<u>Sand and/or Gravel</u>	<u>PF</u>	<u>Pyrophyllite</u>

<u>GS</u>	<u>Gemstone</u>	<u>OL</u>	<u>Olivine</u>
<u>Borrow</u>	<u>Borrow/fill dirt</u>	<u>KY</u>	<u>Kyanite/Sillimanite/Andalusite</u>
<u>CS</u>	<u>Crushed Stone</u>	<u>PH</u>	<u>Phosphate</u>
<u>DS</u>	<u>Dimension Stone</u>	<u>CL</u>	<u>Clay/Shale</u>
<u>FS</u>	<u>Feldspar</u>	<u>PE</u>	<u>Peat</u>
<u>MI</u>	<u>Mica</u>	<u>AU</u>	<u>Gold</u>
<u>LI</u>	<u>Lithium</u>	<u>TI</u>	<u>Titanium</u>

<u>Type</u>	<u>Tailings/ Sediment Ponds (Lake)</u>	<u>Tailings/ Sediment Ponds (Filled In)</u>	<u>Stockpiles</u>	<u>Wastepiles</u>	<u>Processing Area/Haul Roads</u>	<u>Mine Excavation (Lake)</u>	<u>Mine Excavation (Positive Drainage)</u>
<u>SG,GS, Borrow</u>	[\$810] \$820	[\$2,430] \$2,460	[\$2,916] \$2,952	[\$3,240] \$3,280	[\$2,916] \$2,952	[\$810] \$820	[\$3,240] \$3,280
<u>CS, DS, FS, MI, LI, PF, OL, KY</u>	[\$810] \$820	[\$2,430] \$2,460	[\$2,916] \$2,952	[\$3,240] \$3,280	[\$3,240] \$3,280	[\$810] \$820	[\$4,050] \$4,100
<u>PH</u>	[\$1,620] \$1,640	[\$4,050] \$4,100	[\$4,050] \$4,100	[\$8,100] \$8,200	[\$8,100] \$8,200	[\$3,240] \$3,280	[\$8,100] \$8,200
<u>CL</u>	[\$1,620] \$1,640	[\$4,050] \$4,100	[\$4,050] \$4,100	[\$8,100] \$8,200	[\$8,100] \$8,200	[\$3,240] \$3,280	[\$5,994] \$6,068
<u>PE, AU, TI, OT</u>	[\$1,620] \$1,640	[\$4,050] \$4,100	[\$4,050] \$4,100	[\$4,860] \$4,920	[\$5,670] \$5,740	[\$3,240] \$3,280	[\$8,100] \$8,200

(2) ~~the~~ The amounts included in Subparagraph (1) of this Paragraph shall be increased by two percent on July 1, 2027, and by two percent on each July 1 thereafter. ~~per year on an annual basis beginning on July 1, 2027.~~

(3) ~~the~~ The Department shall publish the Mining Reclamation Factors that will be in effect on July 1 of each year in the offices of the Department and on the Department's website.

(f) The final bond amount shall be calculated by increasing the initial bond calculation from Paragraph (e) of this Rule, by two percent per year of the estimated life of mine or life of lease to account for estimated inflation. The calculation shall be performed by Simple interest: Bond = Current Bond Value x (1+(.02 x # of years)).

(g) If an applicant or permittee has multiple sites, the applicant or permittee may file a separate bond with the Department for each site or the applicant or permittee may submit one blanket bond covering all sites in the aggregate amount of all bond totals. Once the total amount of all bonds for separate sites or the total blanket ~~bond(s)~~ bond for all sites reaches ~~five hundred thousand dollars (\$500,000)~~ one million dollars (\$1,000,000):

(1) the applicant or permittee with separate bonds may substitute a ~~five hundred thousand dollar (\$500,000)~~ one million dollars (\$1,000,000) blanket bond to be used for all future sites, or

(2) the applicant or permittee with ~~five hundred thousand dollar (\$500,000)~~ one million dollars (\$1,000,000) blanket bond covering all sites may use that blanket bond for all future sites, sites.

~~if the Director finds that the applicant or permittee, in either case, has a good operating record, that the five hundred thousand dollars (\$500,000) is sufficient to reclaim all sites and that no additional reclamation bond money is needed.~~

~~If the Director finds that the applicant or permittee does not have a good operating record, that the five hundred thousand dollars (\$500,000) is not sufficient to reclaim all sites, or that additional reclamation money is needed, the Director shall require per acreage bonding for future sites as provided in Paragraph (d) of this Rule.~~

~~(f) For the purposes of this Rule, a good operating record is defined as two consecutive years of operation within the State of North Carolina without final assessment of a civil penalty or other enforcement action pursuant to G.S. 74-64, or having a permit suspended or revoked under G.S. 74-58, or having a bond or other surety forfeited under G.S. 74-59. For the purposes of this Rule, a bond shall include any and all types type of security allowed under G.S. 74-54.~~

(h) In accordance with G.S. ~~[74-51(h)]~~ 74-51(h), no permit shall be issued until the operator deposits with the Department a reclamation bond pursuant to G.S. 74-54. Upon written request of the applicant or permittee to the Director, an additional specified period of time to deposit the bond, not to exceed 60 ~~[days]~~ days, shall be granted by the Director.

(i) In accordance with G.S. ~~[74-51(d)(1)]~~ 74-51(d)(1), failure to provide the required ~~bond~~ [security] within the specified time period, or any extension granted pursuant to Paragraph (h) of this Rule, shall result in denial of the application.

(j) Any bond deposited with the Department shall include the following elements:

(1) Surety Bonds:

(A) Name, ~~[address]~~ address, and type of business entity of Principal exactly matching name of Permittee;

(B) The State of North Carolina, Department of Environmental ~~[Quality]~~ Quality, 1612 Mail Service ~~[Center]~~ Center, Raleigh, North Carolina 27699-1612 as the Obligee;

(C) Name and address of Surety authorized by the Insurance Commissioner of North Carolina to do business in North Carolina;

(D) Sum of bonded amount required under this Rule;

(E) Conditioned that the Principal conducts or will conduct mining operations in North Carolina as described in the application for an operating permit which includes a Reclamation Plan as provided in G.S. 74-53 and has obtained approval of the application from the Department of Environmental Quality;

1 (F) Further conditioned that if the Principal shall comply with the requirements set forth in
2 ["The Mining Act of 1971" (G.S. 74-46 through 74-68)] The Mining Act of 1971, G.S. 74-
3 46 through 74-68, and with the rules ~~[and regulations]~~ adopted pursuant thereto and
4 faithfully perform all obligations under their approved Reclamation Plan then this
5 obligation shall be null and void; otherwise to be and remain in full force and effect until
6 released by the Department of Environmental Quality in accordance with G.S. 74-56 or
7 canceled by the surety. Cancellation by the surety shall be effectuated only upon 60 days
8 written notice thereof to the Department of Environmental Quality and the operator as
9 provided in G.S. 74-54;

10 (G) Signature, ~~[Name, Title and Attestation by Officer of the Principal;]~~ name, title, and
11 attestation by officer of the Principal; and

12 (H) Notarization.

13 (2) Assignment of Savings Account:

14 (A) Name, ~~[address]~~ address, and type of business entity of Assignor exactly matching name
15 of Permittee;

16 (B) The State of North Carolina, Department of Environmental Quality, 1612 Mail Service
17 Center, Raleigh, North Carolina 27699-1612 as the Assignee;

18 (C) Name, ~~[address]~~ address, and account information for the bank holding assigned account;

19 (D) Sum of assigned amount required under this Rule;

20 (E) Statement that, in consideration of the promises contained in the agreement and the
21 Department accepting the assignment of the savings account in question, the Assignor sells,
22 assigns, ~~[transfers]~~ transfers, and sets over to the Department the sum in Part (j)(2)(D) of
23 this Rule and directly authorizes the bank holding the assigned account to pay over to the
24 Department the sum in Part (j)(2)(D) of this Rule upon request;

25 (F) Conditioned that if the Assignor conducts the mining operations faithfully, honestly, and
26 lawfully and in compliance with the requirements of the Mining Act of 1971 and applicable
27 rules ~~[and regulations]~~ adopted pursuant thereto, then the assignment shall be null and void;
28 otherwise it shall remain in full force and effect and that compliance with the requirement
29 of the Mining Act of 1971 and applicable rules ~~[and regulations]~~ shall be determined by
30 the Department;

31 (G) Specification that the assignment is made and held by the Department as collateral security
32 in lieu of a surety bond in accordance with ~~["The Mining Act of 1971" (G.S. 74-46 through~~
33 ~~74-68)]~~ The Mining Act of 1971, G.S. 74-46 through 74-68, to assure compliance and
34 reclamation of the permitted operation and for all direct or indirect liabilities of the assignor
35 Operator to the assignee Department that may arise by reason of the Mining Act 1971,
36 Article 7, Chapter 74 of the General Statutes of North Carolina;

37 (H) Signature, name, and title ~~[Name and Title]~~ of an officer of the Assignor;

- 1 (I) Notarization of the Assignor's signature;
- 2 (J) Signature, ~~[Name and Title]~~ name, and title of an officer of the bank holding the assigned
- 3 account acknowledging the assignment and committing that the funds assigned shall not
- 4 be disbursed except to the Department so long as the assignment remains in effect; and
- 5 (K) Notarization of the Bank's signature.
- 6 (3) Irrevocable Standby Letter of Credit (ILOC)
- 7 (A) Name, ~~[address]~~ address, and type of business entity of Operator exactly matching name
- 8 of Permittee;
- 9 (B) Name, ~~[address]~~ address, and type of business entity of Issuing Institution;
- 10 (C) The State of North Carolina, Department of Environmental Quality, ~~[Department of~~
- 11 Environmental Quality] 1612 Mail Service ~~[Center]~~ Center, Raleigh, North Carolina
- 12 27699-1612 as the Beneficiary;
- 13 (D) Effective Date of the ILOC;
- 14 (E) Automatic renewal clause, such that the ILOC is continuous in nature, subject to at least
- 15 60 days notice via certified mail, return receipt requested, to the Permittee and the
- 16 Department prior to nonrenewal;
- 17 (F) Sum of the ILOC required under this Rule;
- 18 (G) That the sum of the ILOC is available by the Department drafts on sight;
- 19 (H) Instructions for drafts by the Department;
- 20 (I) Non-transferability clause;
- 21 (J) Choice of Law provisions specifying North Carolina venue for all ~~[disputes]~~ disputes;
- 22 (K) Statement that the Issuing Institution agrees with the drawers, endorsers, and bona fide
- 23 holders that all drafts drawn under and in compliance with the terms of the ILOC will be
- 24 duly honored upon presentation to the Issuing ~~[Institution.]~~ Institution;
- 25 (L) Statement that the ILOC is being issued in lieu of a surety bond in accordance with ~~["The~~
- 26 Mining Act of 1971" (G.S. 74-46 through 74-68)] The Mining Act of 1971, G.S. 74-46
- 27 through 74-68, to assure compliance and reclamation of the permitted operation;
- 28 (M) Signature, ~~[Name and Title of an officer of the Issuing Institution;]~~ name, and title of an
- 29 officer of the Issuing Institution; and
- 30 (N) Notarization of the Issuing Institution officer's signature.
- 31 (4) Bank Guaranty
- 32 (A) Name, ~~[address]~~ address, and type of business entity of Operator exactly matching name
- 33 of Permittee;
- 34 (B) Name, ~~[address]~~ address, and type of business entity of Issuing Institution;
- 35 (C) The State of North Carolina, Department of Environmental Quality, ~~[Department of~~
- 36 Environmental Quality] 1612 Mail Service ~~[Center]~~ Center, Raleigh, North Carolina
- 37 27699-1612 as the Beneficiary;

- 1 (D) Effective Date of the guaranty;
- 2 (E) Automatic renewal clause, such that the guaranty is continuous in nature, subject to at least
- 3 60 days notice via certified mail, return receipt requested, to the Permittee and the
- 4 Department prior to nonrenewal;
- 5 (F) Sum of the guaranty required under this Rule;
- 6 (G) That the sum of the guaranty is available by the Department drafts on sight;
- 7 (H) Instructions for drafts by the Department;
- 8 (I) Non-transferability clause;
- 9 (J) Choice of Law provisions specifying North Carolina venue for all ~~[disputes]~~ disputes;
- 10 (K) Statement that the Issuing Institution agrees with the drawers, endorsers, and bona fide
- 11 holders that all drafts drawn under and in compliance with the terms of the guaranty will
- 12 be duly honored upon presentation to the Issuing ~~[Institution.]~~ Institution;
- 13 (L) Statement that the guaranty is being issued in lieu of a surety bond in accordance with
- 14 ["The Mining Act of 1971" (G.S. 74-46 through 74-68)] The Mining Act of 1971, G.S. 74-
- 15 46 through 74-68, to assure compliance and reclamation of the permitted operation;
- 16 (M) Signature, ~~[Name and Title]~~ name, and title of an officer of the Issuing Institution; and
- 17 (N) Notarization of the Issuing Institution officer's signature.
- 18 (5) Cash Deposit:
- 19 (A) Cash in the form of a cashiers or certified check in the sum required under this Rule; and
- 20 (B) Cover Letter specifically identifying Permittee and specifying the intended function of the
- 21 money to serve as the required bond amount under this ~~[Rule]~~ Rule.

23 History Note: Authority G.S. ~~7451; 7454; 74-51; 74-54;~~ 143B-290;

24 Eff. February 1, 1976;

25 Amended Eff. January 1, 1994; April 1, 1990; November 1, 1985; November 1, 1984;

26 Readopted Eff. August 1, 2026.

27

1 15A NCAC 05B .0104 IS READOPTED AS PUBLISHED IN 40:08 NCR 733 WITH CHANGES AS FOLLOWS:

2
3 **15A NCAC 05B .0104 INFORMATION REQUIRED IN PERMIT APPLICATION**

4 (a) The completed application for the mining permit shall include information concerning the mining operation and
5 a reclamation plan for the restoration of all affected land. Information required concerning the mining operation shall
6 include:

- 7 (1) materials to be mined;
- 8 (2) method of mining;
- 9 (3) expected depth of mine;
- 10 (4) size of the mine, including:
 - 11 (A) acreage for tailings ponds,
 - 12 (B) acreage for stockpiles,
 - 13 (C) acreage for waste piles,
 - 14 (D) acreage for processing plants,
 - 15 (E) acreage for mine excavation,
 - 16 (F) acreage for annual disturbance;
- 17 (5) anticipated effect on wildlife, freshwater, estuarine, or marine fisheries;
- 18 (6) ~~whether or not the mining operation will have a waste water wastewater discharge or air contaminant~~
19 ~~emission which that~~ will require a permit from the division of environmental management; Division
20 of Water Resources, an air contaminant emission that will require a permit from the Division of Air
21 Quality, or will have a stormwater discharge that will require a permit from the Division of Energy,
22 Mineral, and Land Resources;
- 23 (7) ~~method~~ methods to prevent physical hazard to any neighboring dwelling house, school, church,
24 hospital, commercial or industrial building, or public road if the mining excavation will come within
25 300 feet thereof;
- 26 (8) ~~measures to be taken required~~ to insure ensure against landslides and acid water pollution;
- 27 (9) ~~measures to be taken required~~ to minimize siltation of streams, lakes, or adjacent properties during
28 the mining operation;
- 29 (10) ~~measures to be taken required~~ to screen the mining operation from public view.
- 30 (11) name of mine and location;
- 31 (12) responsible officer contact information;
- 32 (13) site contact information; and
- 33 (14) statement of authority as provided in Paragraph (f) of this Rule, when necessary.

34 (b) Information required in the reclamation plan shall ~~include~~ include methods and construction details for:

- 35 (1) intended plan for overall mine reclamation, subsequent land use use, and the ~~general~~ methods to be
36 used in reclaiming the affected land;
- 37 (2) intended practices ~~to be taken required~~ to protect adjacent surface resources;

- (3) intended methods to prevent or eliminate conditions hazardous to animal or fish life in or adjacent to the affected areas;
- (4) intended methods of rehabilitation of settling ponds;
- (5) intended methods of restoration or establishment of stream channels and stream beds to a condition minimizing erosion, ~~siltation~~ siltation, and other pollution;
- (6) intended measures to stabilize slopes;
- (7) intended measures to provide for safety to persons and adjoining property in excavation in rock;
- (8) intended measures of disposal of mining refuse and control of contaminants;
- (9) provisions to prevent collection of noxious, ~~odious~~ odious, or foul water in mined areas; ~~and~~
- (10) plan for revegetation and reforestation or other surface treatment of the affected areas which ~~plan~~ shall ~~must~~ be approved in writing by one of the following prior to submission of the application:
- (A) Authorized ~~representatives~~ representative of the local soil and water conservation district having jurisdiction over lands in question;
- (B) Authorized ~~representatives~~ representative of the ~~division of forest resources, Department of Environment, Health, and Natural Resources; North Carolina Forest Service within the Department of Agriculture and Consumer Services;~~
- (C) North Carolina Cooperative Extension County agricultural extension chairmen, County Director ~~[in a county listed]~~ in the [county(s)] counties where the site is located or research and extension personnel headquartered at North Carolina State University in the ~~school of agriculture and life sciences~~ School of Agriculture and Life Sciences;
- (D) North Carolina licensed ~~landscape architects;~~ Landscape Architect pursuant to G.S. 89A;
- (E) North Carolina licensed Professional Engineer pursuant to [G.S. 89C]; G.S. 89C;
- ~~(E)(F)~~ Private consulting ~~foresters~~ forester referred by the ~~division of forest resources, Department of Environment, Health, and Natural Resources; North Carolina Forest Service within the Department of Agriculture and Consumer Services; or~~
- ~~(F)(G)~~ Others as may be approved by the ~~department;~~ Department; Provided that areas expected to be in use beyond the maximum permissible permit period, such as processing plants or stockpiles, do not require a specific revegetation plan;
- (11) In lieu of the written approval required by Subparagraph (10) of this [Paragraph] Paragraph, a plan for revegetation and reforestation developed utilizing one of the following:
- (A) North Carolina Erosion and Sedimentation Control Planning and Design Manual, [Manual;] including subsequent amendments and editions. The manual may be obtained free of charge at <https://www.deq.nc.gov/energy-mineral-and-land-resources/erosion-and-sediment-control/esc-design-manual/erosion-sediment-control-design-manual-rev-jan-2026/open>; or
- (B) North Carolina Surface Mining Manual: A Guide for Permitting, Operation and Reclamation, [Reclamation;] including subsequent amendments and editions. The manual

1 may be obtained free of charge at [https://www.deq.nc.gov/documents/files/nc-surface-](https://www.deq.nc.gov/documents/files/nc-surface-mining-manual/download)
2 [mining-manual/download](https://www.deq.nc.gov/documents/files/nc-surface-mining-manual/download); and

3 ~~(11)~~(12) time schedule of reclamation that provides that reclamation activities be conducted simultaneously
4 with mining operations whenever feasible and in any event be initiated at the earliest practicable
5 time after completion or termination of mining on any segment and completed within two ~~years.~~
6 years unless a longer period is specifically permitted by the Department.

7 (c) An application shall include ~~In addition to the form, the operator shall also submit two copies of a county map~~
8 ~~showing the mine location and two copies a copy~~ of a mine map. Mine maps shall be consistent with the reclamation
9 plan and shall ~~should~~ be accurate drawings, aerial photographs ~~photographs~~, or enlarged topographic maps of the mine
10 area and ~~must clearly~~ shall show the following:

- 11 (1) property lines or affected area of mining operation;
- 12 (2) outline of pits;
- 13 (3) outline of stockpile areas;
- 14 (4) outline of overburden disposal areas;
- 15 (5) location of processing [plants] ~~[(Processing plants)]~~ plants, which may be described as to location
16 and distance from ~~mine if sufficiently far removed.); the mine if not contiguous to the mine~~
17 [property-;] property;
- 18 (6) location and name of streams and lakes;
- 19 (7) outline of settling ponds;
- 20 (8) location of access roads;
- 21 (9) mine permit boundaries;
- 22 (10) existing and proposed contours showing all drainage areas;

23 ~~(9)~~(11) map legend; legend, including:

- 24 (A) name of company,
- 25 (B) name of mine,
- 26 (C) north arrow,
- 27 (D) county,
- 28 (E) scale,
- 29 (F) date prepared,
- 30 (G) name and title of person preparing map; and

31 ~~(10)~~(12) names of owners of record, both public and private, of all adjoining ~~land.~~ land as is specified in G.S.
32 74-50;

33 (13) any unrelated use area, that has the potential to disturb the soil surface, that does not meet the
34 definition of mining within the permit boundaries;

35 (14) vicinity map showing the mining operation in relation to the general area at a minimum scale of
36 1:24,000;

1 (15) drawings showing typical sections or cross sections and layout of proposed reclamation where such
2 drawings will assist in describing reclamation;

3 (16) approximate limits of future reserves not included in affected area; and

4 (17) intended reclamation for projected phases or segments when reclamation is accomplished
5 concurrently with mining.

6 ~~The mine maps should be correlated with the reclamation plan. The approximate areas to be mined during the life of~~
7 ~~the permit should be clearly marked.~~

8 ~~If reclamation is to be accomplished concurrently with mining, then show segments that are to be mined and reclaimed~~
9 ~~during each year of the permit.~~

10 ~~Add drawings showing typical sections or cross sections and layout of proposed reclamation where such drawings~~
11 ~~will assist in describing reclamation.~~

12 (d) An application for a mining permit shall include:

13 (1) The ~~name~~ names and ~~address~~ addresses of all known owners, both private and public of all land
14 adjoining the proposed mining site as is specified in G.S. 74-50 and as determined by a diligent
15 search of the tax records or other sources of information approved in advance by the Department
16 ~~about property ownership in a manner reasonable calculated to identify~~ that identifies the owners of
17 all adjoining ~~land, land and approved by the department~~ [Department.] The proposed mining site
18 means all land to be included within the proposed permitted area;

19 (2) The ~~name~~ names and addresses of the county, [city] city, and town managers, who serve as the chief
20 administrative ~~officer~~ officers, of the county or municipality of the local governments in which any
21 part of the proposed mining site is ~~located together with the officer's mailing address;~~ located; and

22 (3) Pursuant to G.S. 74-50, ~~Proof~~ proof satisfactory to the ~~department~~ Department that the applicant has
23 made ~~a reasonable~~ the required effort to notify all owners of record of all adjoining land and the
24 county, city, and town mangers, who serve as the chief administrative ~~officer~~ officers, of the county
25 or ~~[and] municipality of the local governments in which any part of the proposed mining site is~~
26 located of the pending application. Proof satisfactory to the ~~department~~ Department shall include
27 an affidavit by the applicant ~~that he has caused~~ stating that a notice of the pending application ~~to be~~
28 has been sent by certified or registered mail to all known adjoining owners and to the chief
29 administrative ~~officer~~ officers of the county or municipality. Other means of notice shall be
30 satisfactory if approved in advance by the ~~department~~ Department.

31 (4) A copy of the recorded right of entry agreement that runs with the land, is binding on landowners,
32 [lessees] lessees, and [permittees] permittees, and extinguishes permit release, providing that the
33 landowner may not interfere with the permittee's obligations or the Department's ability to perform
34 [reclamation.] reclamation; and

35 (5) Any application submitted to the Department for approval of mining activities pursuant to G.S. 74-
36 50 shall include proof of ownership or the portion of valid and unexpired Memorandum Of Lease

1 or option from the property owner allowing mining activities for all lands to be included in the
2 permitted area as defined in G.S. 74-50(b)(3).

3 (e) An application for a mining permit shall not be deemed filed pursuant to G.S. 74-51(b) until the nonrefundable
4 permit application processing fee required pursuant to G.S. 74-54.1 is received by the Department. If the necessary
5 fee is not received within 30 days of initial receipt of the application, the application shall be denied and required to
6 be resubmitted in its entirety.

7 (f) Permit applications shall be signed as follows:

8 (1) in the case of corporations, by a principal executive officer of at least the level of vice-president, or
9 their authorized representative;

10 (2) in the case of a partnership or limited partnership, by a general partner;

11 (3) in the case of a sole proprietorship, by the proprietor;

12 (4) in the case of a municipal, ~~[state]~~ state, or other public entity by either a principal executive officer,
13 ranking ~~[official]~~ official, or other duly authorized ~~[employee]~~ employee; or

14 (5) in the case of a limited liability company, by a managing member. ~~[The signature of the consulting~~
15 engineer or other agent shall be accepted on the application only if accompanied by a letter of
16 authorization from one of the individuals listed in Subparagraphs (1) through (5) of this Paragraph.]

17 The signature of the consulting engineer or other agent shall be accepted on the application only if
18 accompanied by a letter of authorization from one of the individuals listed in Subparagraphs (1) through (5)
19 of this Paragraph.

20
21 *History Note:* *Authority G.S. 74-63; 74-51; 74-53; ~~[74-56]~~ 74-56;*

22 *Eff. February 1, 1976;*

23 *Amended Eff. April 1, 1990; May 1, 1982; September 1, 1979; January 31, 1979;*

24 *Readopted Eff. August 1, 2026.*

1 15A NCAC 05B .0105 IS READOPTED AS PUBLISHED IN 40:08 NCR 733 AS FOLLOWS:

2
3 **15A NCAC 05B .0105 CONDITIONS WHICH MAY BE INCLUDED IN PERMIT**

4 To ~~assure~~ ensure that the ~~mining operation will comply fully~~ fully complies with the requirements and objectives of
5 the Mining Act of 1971, G.S. 74-46 through 74-68 the ~~director~~ Director may ~~approve an application or reclamation~~
6 ~~plan subject to certain conditions. Such conditions of application approval may include:~~ require that a permit or
7 reclamation plan contain conditions including:

- 8 (1) additional erosion control measures to be installed during the mining operation; ~~[operation as~~
9 ~~specified in G.S. 74-51;]~~
- 10 (2) a ~~natural~~ vegetated buffer ~~to be left~~ between any stream and the affected ~~land;~~ land when specified
11 in State or local stream protection ~~[requirements;]~~ requirements;
- 12 (3) visual screening such as existing ~~natural~~ vegetation, vegetated earthen berms, and tree plantings at
13 staggered spacing ~~spacing, etc.~~ to be installed and maintained ~~as feasible~~ between any affected land
14 and any adjoining property containing occupied buildings or public access within view of the
15 affected land; any screening conditions shall take into consideration the mining operation activities
16 that are being screened and the current usage of the neighboring ~~[property;]~~ property;
- 17 (4) erosion control measures to be taken during the construction and operation of all haul roads or access
18 roads to minimize offsite damage from ~~sediment;~~ ~~[sediment;]~~ sediment;
- 19 (5) other conditions necessary to safeguard the adjacent surface resources or ~~[wildlife;]~~ wildlife;
- 20 (6) hydrogeological analysis to assess potential influences of mine dewatering on water supply wells
21 and measures to mitigate potential adverse impacts.

22
23 *History Note:* Authority G.S. 74-63; ~~[74-51;]~~ 74-51;
24 *Eff. February 1, 1976;*
25 *Amended Eff. May 1, 1992; November 1, 1984;*
26 *Readopted Eff. August 1, 2026.*
27

1 15A NCAC 05B .0106 IS REPEAED THROUGH READOPTION AS PUBLISHED IN 40:08 NCR 733 AS
2 FOLLOWS:

3
4 **15A NCAC 05B .0106 STANDARDS FOR DENYING AN APPLICATION**

5
6 *History Note:* Authority G.S. 74-51; ~~74-58; 74-63; [74-58; 74-63;]~~
7 *Eff. February 1, 1976;*
8 *Amended Eff. November 1, 1984;*
9 *Repealed Eff. August 1, 2026.*
10

1 15A NCAC 05B .0110 IS READOPTED AS PUBLISHED IN 40:08 NCR 733 AS FOLLOWS:

2
3 **15A NCAC 05B .0110 MINING RECLAMATION REPORTS**

4 The mine operator shall, by February 1 of each year during the life of the permitted operation, and within 30 days of
5 completion or termination of mining on an area under permit, file with the department a mining reclamation report on
6 a form prescribed by the department.

7 (a) Upon completion of reclamation of an area of land, the operator shall notify the Department and complete a release
8 request. Notice of completion of reclamation of an area of affected land pursuant to G.S. 74-56 shall be made by
9 submitting a release request form provided by the Department that includes the details found on the reclamation report
10 as required to be filed by G.S. 74-55.

11 (b) If the Department receives a completed release request form on or before September 30, the Department may
12 shall waive the annual fee for the that permit year, year, unless the Where a site is determined to not be eligible
13 for release pursuant to G.S. 74-56, the Department may revoke the waiver prior to December 31, 31 of that same
14 year.

15
16 *History Note:* Authority G.S. 74-55; 74-56; 143B-290; [143B—290;]

17 *Eff. March 30, 1978;*

18 *Amended Eff. November 1, 1984;*

19 *Readopted Eff. August 1, 2026.*

1 15A NCAC 05B .0111 IS READOPTED AS PUBLISHED IN 40:08 NCR 733 AS FOLLOWS:

2
3 **15A NCAC 05B .0111 PUBLIC HEARINGS**

4 (a) If the ~~department~~ Department determines that there exists a significant public interest in an application for a new
5 mining permit, or for a modification that adds land to the existing permit, the ~~director~~ Director shall appoint a hearing
6 officer to conduct a public hearing on the application which shall be held no ~~sooner than 20 or later than 60 days~~ 90
7 days of from the filing of the application and before the ~~department~~ Department makes its final decision regarding the
8 application.

9 (b) At least ~~40~~ 20 days prior to the public hearing, the ~~department~~ Department shall ~~publish~~ provide notice thereof in
10 a newspaper ~~of or other media platform with~~ general coverage in the ~~[county(s)]~~ counties in which the proposed mine
11 is located. ~~The department may also give notice to the public by other means.~~ In addition, the ~~department~~ Department
12 shall cause written notice of the hearing to be sent by certified or registered mail to the applicant and to the known
13 owners of all adjoining ~~land.~~ land as specified in G.S. 74-50.

14 (c) Any person may appear at the public hearing and give oral or written comments on the proposed application. The
15 hearing officer may impose ~~reasonable~~ limitations on the length of time that any person may speak and may summarize
16 comments rather than recording them in full. The hearing officer may allow additional written comments to be
17 submitted for up to ten days after the hearing ~~hearing after which the public comment period will be considered closed~~
18 and no other public comments [can] shall be considered in the final determination of the application. ~~within a period~~
19 ~~of time he deems appropriate which shall not exceed ten days.~~

20 (d) Within ten days after the hearing or time for additional comment, the hearing officer shall prepare a written report
21 summarizing the comments that were submitted regarding the application. The report shall include copies of all written
22 comments submitted. Copies of the report shall be made available to the applicant or members of the public upon
23 request. The ~~department~~ Department shall give full consideration to all comments contained in the hearing record in
24 making its final determination on the application.

25 (e) In the event there is not a public hearing, public comments will be accepted for 60 days following the receipt of
26 the application after which the public comment period will be considered closed and no other public comments [will]
27 shall be considered in the final determination of the application.

28
29 *History Note: Authority G.S. 74-51; 74-63; 74-86;*

30 *Eff. May 1, 1982;*

31 *Readopted Eff. August 1, 2026.*

1 15A NCAC 05B .0112 IS READOPTED AS PUBLISHED IN 40:08 NCR 733 AS FOLLOWS:

3 **15A NCAC 05B .0112 PERMIT APPLICATION PROCESSING FEES**

4 (a) A nonrefundable permit application processing fee, in the amounts stated in G.S. 74-54.1, Paragraphs (b), (c) and
5 (d) of this Rule, shall be paid when an application for a new mining ~~permit~~ permit or a permit modification, ~~or a~~
6 ~~renewal permit~~ or transfer is filed in accordance with G.S. 74-51 or G.S. 74-52 and ~~15A NCAC 5B .0003, .0004, and~~
7 ~~.0005, the rules of this Subchapter.~~

8 (1) The acreage for a new permit application shall include the total acreage contained within the
9 permitted area.

10 (2) The acreage for a permit modification shall be limited to the increase in proposed acreage of affected
11 land internal to the existing permitted area plus any new acreage proposed to be added to the
12 permitted area beyond the existing permit boundary.

13 (3) The fee for a permit transfer shall remain a flat fee regardless of acreage.

14 (4) For purposes of calculations pursuant to G.S. 74-54.1, the referenced acreage ranges shall include
15 anything less than 26 acres as “0-25 acres” and anything equal to or greater than 26 acres as “26+
16 acres”.

17 (b) No fee ~~is~~ shall be required for administrative changes initiated by the Director.

18 ~~(b) A non refundable fifty dollar (\$50.00) permit application processing fee is required for minor permit~~
19 ~~modifications. Minor permit modifications include administrative changes such as ownership transfers, name~~
20 ~~changes, and bond substitutions. A minor permit modification also includes lands added to a permitted area, outside~~
21 ~~of the minimum permit buffer zone requirements, where no plans for mining related disturbance of the added lands~~
22 ~~have been approved. All other changes to the permit are major modifications. No fee is required for administrative~~
23 ~~changes initiated by the Director to correct processing errors, to change permit standards or to implement new~~
24 ~~standards.~~

25 ~~(c) A non refundable fifty dollar (\$50.00) permit application processing fee is required for permit renewal of an~~
26 ~~inactive site, provided that any previously disturbed areas have been reclaimed in a manner acceptable to the~~
27 ~~Department. Once renewed, prior to initiating any mining related disturbance, an application for a major modification~~
28 ~~and a processing fee shall be submitted to and approved by the Department. For purposes of this Paragraph, and~~
29 ~~notwithstanding Paragraph (d) of this Rule, the acreage for a major modification shall be the total acreage at the site.~~
30 ~~All other modifications to the renewed permit shall be governed by Paragraphs (b) and (d) of this Rule.~~

31 ~~(d) e) For the purposes of this Rule, acres for new permits and renewal permits means the total acreage at the site; and~~
32 ~~acres for major modification of permits means that area of land affected by the modification within the permitted mine~~
33 ~~area, or any additional land that is to be disturbed and added to an existing permitted area, or both. Each permit~~
34 ~~application shall be deemed incomplete until the permit application processing fee is paid. Schedule of Fees:~~

35
36 —MAJOR

37 TYPE	ACRES	NEW PERMIT	MODIFICATION	RENEWAL
---------	-------	------------	--------------	---------

1						
2	CLAY	1 but less	\$ 500	\$ 250	\$ 250	
3		than 25				
4		25 but less	1000	500	500	
5		than 50				
6		50 or more	1500	500	500	
7	SAND &	1 but less	150	100	100	
8	GRAVEL,	than 5				
9	GEMSTONE	5 but less	250	100	100	
10	AND	than 25				
11	BORROW	25 but less	500	250	500	
12	PITS	than 50				
13		50 or more	1000	500	500	
14	QUARRY,	1 but less	250	100	100	
15	INDUSTRIAL	than 10				
16	MINERALS,	10 but less	1000	250	500	
17	DIMENSION	than 25				
18	STONE	25 but less	1500	500	500	
19		than 50				
20		50 or more	2500	500	500	
21	PEAT &	1 or more	2500	500	500	
22	PHOSPHATE					
23	GOLD (HEAP	1 or more	2500	500	500	
24	LEACH),					
25	TITANIUM &					
26	OTHERS					
27						

28 ~~(e) Payment of the permit application processing fee shall be by check or money order made payable to the "N.C.~~
29 ~~Department of Environment, Health, and Natural Resources". The payment shall refer to the new permit, permit~~
30 ~~modification or permit renewal.~~

31 ~~(f) In order to comply with the limit on fees set forth in G.S. 143B-290(4)b, the Director shall, in the first half of each~~
32 ~~state fiscal year, project revenues for the fiscal year from fees collected pursuant to this Rule. If this projection shows~~
33 ~~that the statutory limit will be exceeded, the Director shall order a pro rata reduction in the fee schedule for the~~
34 ~~remainder of the fiscal year to avoid revenue collection in excess of the statutory limits.~~

35 (c) Any new permit issued between September 1 and December 31 shall not be required to pay the annual operating
36 fee or submit the annual reclamation report for that same calendar year.

1
2 *History Note:* *Filed as a Temporary Rule Eff. November 1, 1990, for a Period of 180 Days to Expire on April 29,*
3 *1991;*
4 *Authority G.S. 74-54.1; 74-63; 143B-290;*
5 *ARRC Objection Lodged November 14, 1990;*
6 *ARRC Objection Removed December 20, 1990;*
7 *Eff. January 1, 1991;*
8 *Amended Eff. December 1, 1991;*
9 *Readopted Eff. August 1, 2026.*
10

1 15A NCAC 05B .0113 IS READOPTED AS PUBLISHED IN 40:08 NCR 733 WITH CHANGES AS FOLLOWS:

2
3 **15A NCAC 05B .0113 RESPONSE DEADLINE TO DEPARTMENT'S REQUEST(S)**

4 An applicant or permittee shall submit to the Department supplemental information regarding an application for a new
5 ~~permit [or] permit, modified, permit, or permit renewal~~ **permit modification,** or permit transfer within 180 days after
6 the date of receipt of the Department's written ~~request(s)~~ **request** for such information. Upon written request of the
7 applicant or permittee to the Director, an additional ~~reasonable~~ specified period of time not to exceed one year ~~shall~~
8 **[may] shall** be granted ~~upon determination of good cause~~ by the Director. ~~Additional time may be granted by the~~
9 ~~Mining and Energy Commission, provided written request is made by the applicant or permittee before the expiration~~
10 ~~of the one year period.~~

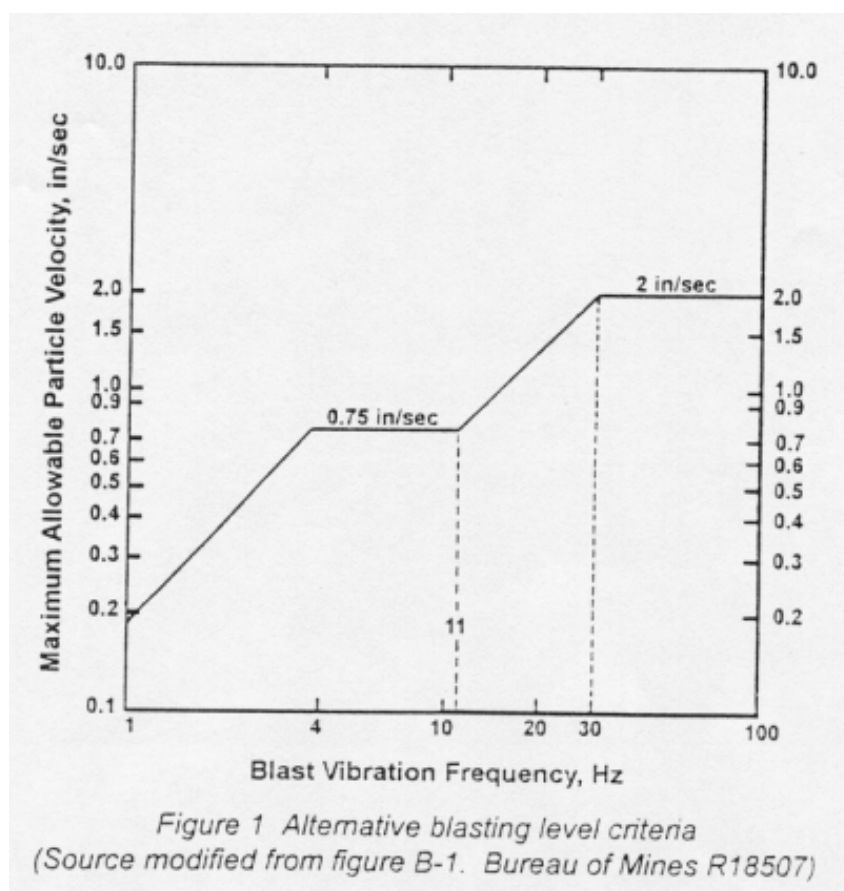
11
12 *History Note:* Authority G.S. 74-51; **74-52; 74-63; 143B-290;** ~~74-52; 74-63; 143B-290~~ **Note:**
13 *RRC Objection Eff. September 15, 1994 due to lack of statutory authority;*
14 *Eff. November 1, 1994;*
15 *Amended Eff. August 1, 2012 (see S.L. 2012-143, s.1.(d));*
16 *Readopted Eff. August 1, 2026.*
17

1 15A NCAC 05B .0114 IS ADOPTED AS PUBLISHED IN 40:08 NCR 733 WITH CHANGES AS FOLLOWS:

2
3 **15A NCAC 05B .0114 BLASTING**

4 (a) At any permitted site where blasting occurs, the operator shall monitor each blast with a seismograph located at a
5 distance no farther than the closest off site regularly occupied structure not owned or leased by the operator. A
6 seismographic record including peak particle velocity, air overpressure, and vibration frequency levels shall be kept
7 for each blast, except as provided in Paragraphs (c) and (e) of this Rule.

8 (b) In all blasting operations, the maximum peak particle velocity of any component of ground motion shall not exceed
9 the alternative ground vibration limits in this Paragraph at the nearest regularly occupied building structure not owned
10 or leased by the operator outside of the permitted area such as a dwelling house, church, school, or public, commercial,
11 or institutional building.



12
13 (c) In the event of seismograph malfunction or other condition that prevents monitoring, blasting shall be conducted
14 in accordance with the following scaled distance formulas:

15 Formula from ISEE Blasters Handbook 17th Edition ISBN:1-892396-00-9

16
$$W = \left(\frac{D}{Ds}\right)^2$$

$$Ds = \frac{D}{\sqrt{W}}$$

$$V = 160(Ds)^{-1.6}$$

W = Maximum charge weight of explosives per delay period of 8 milliseconds or more (pounds).

D = Distance from the blast site to the nearest ~~inhabited building~~ regularly occupied structure not owned or leased by the mine operator. (feet).

Ds = Scaled distance factor.

V = Peak Particle Velocity (inches per second).

The peak particle velocity of any component shall not exceed 1.0 inch per second, for the purposes of this Paragraph.

(d) Air blast overpressure resulting from surface blasting shall not exceed 129 decibels linear (dBL) as measured at the nearest regularly occupied ~~building structure~~ not owned or leased by the operator outside of the permitted area such as a dwelling house, church, school, or public, commercial, or institutional building, unless an alternate level is being used based on the sensitivity of the seismograph microphone as specified in this Paragraph of this Rule:

Lower Frequency Limit of Measuring System (Hz)	Max Level (dBL)
0.1 Hz or lower-flat response	134 peak
2.0 Hz or lower-flat response	133 peak
6.0 Hz or lower-flat response	129 peak

(e) In the event of seismograph malfunction or other condition that prevents monitoring, air blast overpressure shall be calculated utilizing ~~blasting shall be conducted in accordance with~~ the following formulas:

Formula from ISEE Blasters ~~Handbook 17th~~ Handbook 17th Edition ISBN:1-892396-00-9

$$P = 1.0 \left(\frac{D}{\sqrt[3]{W}} \right)^{-1.1}$$

$$dB = 20 \log \left(\frac{P}{2.9 \times 10^{-9}} \right)$$

P = ~~Airblast~~ Air blast overpressure average burial (pounds per square inch).

W = Maximum charge weight of explosives per delay period of 8 milliseconds or more (pounds).

D = Distance from the blast site to the nearest ~~inhabited building~~ regularly occupied structure not owned or leased by the mine operator (feet).

dB = ~~Airblast~~ Air blast overpressure average burial (decibels).

A = Air blast ~~or air~~ overpressure for typical quarry situations (decibels).

The ~~air blast/overpressure~~ air blast overpressure shall not exceed 129 decibels, for the purposes of this Paragraph.

(f) For the purposes of calculating Scale Distance, when using electronic detonators, the maximum charge weight of explosives per delay shall be calculated using actual delay of separation, with a minimum delay of 1 milliseconds. When using non-electric detonators, the maximum charge weight shall be calculated on a delay of 8 milliseconds.

1 (g) The operator shall maintain records on each individual blast describing:

- 2 (1) name of ~~Company~~ company or contractor;
- 3 (2) date, and time of the blast;
- 4 (3) type of material blasted;
- 5 (4) the total number of holes;
- 6 (5) pattern of holes and delay of intervals;
- 7 (6) depth and size of holes;
- 8 (7) type and total pounds of explosives;
- 9 (8) maximum pounds per 8ms delay interval;
- 10 (9) amount of stemming and burden for each hole;
- 11 (10) blast location;
- 12 (11) distance from blast to closest offsite regularly occupied structure;
- 13 (12) weather conditions at the time of the blast; and
- 14 (13) ~~Whether~~ whether mats or other protections were used.

15 Records shall be maintained at the permittee's mine office and copies shall be provided to the Department upon request.

16 (h) The operator shall take ~~all reasonable~~ precautions to ensure that flyrock is not thrown beyond areas where access
17 is temporarily or permanently guarded by the operator.

18 (i) The operator shall provide to the Department a copy of the findings of the seismic studies conducted at the mine
19 site by the permittee or their representative in response to an exceedance of a level allowed by ~~these blasting~~
20 ~~conditions.~~ the blasting conditions set forth in this Rule. The operator shall evaluate ~~make an effort to incorporate~~ the
21 studies' recommendations for inclusion into the production blasting ~~program.~~ program to prevent future exceedances
22 of the level allowed by these blasting [conditions.] conditions set forth in this Rule.

23
24 *History Note:* Authority G.S. 74-51; 74-63;

25 *Eff. August 1, 2026.*

1 15A NCAC 05B .0115 IS ADOPTED WITH CHANGES AS PUBLISHED IN 40:08 NCR 733 AS FOLLOWS:

2
3 **15A NCAC 05B .0115 MINING PERMIT TRANSFERS**

4 (a) Pursuant to G.S. 74-51(i), a permit may be transferred from one operator to another, if both operators have complied
5 with the requirements of ~~the Act~~. The Mining Act of [1971.] as set forth in Article 7, Chapter 74 of the General Statutes.

6 The sale or lease of the operation alone ~~does not~~ shall not constitute an approved transfer of the permit. Until a permit
7 has been transferred by the Department to the successor operator, the existing operator shall be held responsible for
8 any activities at the site, including liability for any documented violations at the site. Liability shall remain with the
9 existing operator until such violations have been addressed to the satisfaction of the Department and the Department
10 has transferred the permit in its entirety to the successor operator.

11 (b) A valid permit may be transferred from one operator to another provided the following information has been
12 submitted on a form furnished by the Department:

13 (1) A signed statement from the existing operator requesting that the permit be transferred to the successor
14 operator. The existing mine name and permit number shall be identified in the statement.

15 (2) A non-refundable permit transfer processing fee pursuant to G.S. 74-54.1(a).

16 (3) A signed statement from the successor operator identifying the existing mine name and permit number,
17 requesting that the permit be transferred in its entirety, and accepting all responsibilities and liabilities for
18 the site with respect to ~~the Article~~. [Article 7.] The Mining Act of 1971 as set forth in Article 7, Chapter 74
19 of the General Statutes.

20 (4) A mine map showing the successor operator's name and contact information, current mining permit
21 boundary, acreage table, and reference to current permit number and conditions.

22 (5) The information required in Rule .0104(a)(1) through (a)(4) and (a)(12) through (a)(14) ~~(15)~~ of this
23 ~~Section~~ Section.

24 (6) A copy of the recorded right of entry agreement that runs with the land, is binding on landowners, ~~lessees~~
25 lessees, and ~~permittees~~ permittees, and extinguishes permit release, providing that the landowner may not
26 interfere with the permittee's obligations or the Department's ability to perform reclamation.

27 (7) An acceptable security in the amount determined in Rule .0103 of this Section and using the forms
28 established in Rule .0103 of this Section covering the site. The security shall be issued in the same
29 successor operator name used in the permit transfer application.

30 (c) The permit transfer application shall be submitted to the Department no later than 60 days from the execution of
31 any purchase or lease agreement associated with a change in the responsibility for operation of the permitted site.

32 (d) Any pit expansion or other land disturbing activity anticipated within the permitted area not previously approved
33 by the Department shall require a permit modification. Expansion of permit boundaries to include additional land
34 under the permit shall require a permit modification.

35 (e) Upon approval of the permit transfer, responsibility for the full extent of the existing permitted area shall be
36 transferred to the successor operator unless the Department has authorized the release of a portion of the permitted
37 area from reclamation liability.

- 1 (f) Upon approval of the permit transfer, the Department shall send the new permit document to the successor operator.
2 Such permit may include updated operating and reclamation conditions to ensure compliance with ~~the Article.~~ Article
3 7.] The Mining Act of 1971 as set forth in Article 7, Chapter 74 of the General Statutes.
4 (g) The prior operator shall be notified by the Department of the completed permit transfer and that the prior operator
5 has been released from further liability with respect to the permit for the site. The security posted by the prior operator
6 to cover reclamation obligations at the site shall be returned by the Department to the prior operator provided the
7 security is no longer needed to cover other permitted sites under the prior operator's name.
8 (h) Permit transfers due to corporate name changes shall comply with Rule .0116 of this Section.
9

10 *History Note: Authority G.S. 74-51; 74-54.1; 74-63;*
11 *Eff. August 1, 2026.*
12
13

1 15A NCAC 05B .0116 IS ADOPTED AS PUBLISHED IN 40:08 NCR 733 AS FOLLOWS:
2

3 **15A NCAC 05B .0116 PERMIT TRANSFERS DUE TO CORPORATE NAME CHANGES**

4 (a) In the event that the corporate name of the operator holding the **mining** permit changes, the operator shall submit
5 a permit transfer application as follows to the Department within 60 calendar days of the effective date of the corporate
6 name change:

- 7 (1) A letter identifying the existing and new corporate names, the effective date of the new corporate
8 name, any changes in company officers and associated contact information, and each mining permit
9 number and mine name impacted by the corporate name change.
- 10 (2) The Secretary of State corporate filing certificate or other legal paperwork verifying the new
11 corporate name is registered in North Carolina.
- 12 (3) A non-refundable permit transfer processing fee for each permit affected by the corporate name
13 change pursuant to G.S. 74-54.1(a).
- 14 (4) An updated or new security in the new corporate name, **that complies with Rule .0103 of this**
15 **Section**, including any associated contact information. The updated or new security shall be in the
16 same amount as the prior security covering the reclamation obligations at the site.
- 17 (5) A copy of the recorded right of entry agreement that runs with the land, is binding on landowners,
18 **[lessees] lessees, and [permittees] permittees,** and extinguishes permit release, providing that the
19 landowner may not interfere with the permittee's obligations or the Department's ability to perform
20 reclamation.

21 (b) Upon approval of the **permit transfer application [corporate name change]**, the Department shall send a letter with
22 the updated pages of the relevant permits to the operator to attach to the existing relevant permits.

23
24 *History Note: Authority G.S. 74-50; 74-51; 74-54.1; 74-63;*

25 *Eff. August 1, 2026.*
26

1 15A NCAC 05B .0117 IS ADOPTED AS PUBLISHED IN 40:08 NCR 733 AS FOLLOWS:

2
3 **15A NCAC 05B .0117 DRAFT PERMITS**

4 Upon approval of an application and prior to receipt of any performance bond or security, new or updated, any
5 operating permit generated by the Department shall be considered a preliminary draft and shall not be considered
6 issued or binding, regardless of whether the draft is shared with the applicant. Where a new or modified performance
7 bond or other security is required pursuant to G.S. 74-54, [timely] approval of an application, pursuant to G.S. 74-
8 51(h), shall satisfy the requirement to grant a permit within the deadlines included in G.S. 74-51(b).

9
10 History Note: Authority G.S. 74-51; 74-63;

11 Eff. August 1, 2026.

1 15A NCAC 05F .0101 IS READOPTED AS PUBLISHED IN 40:08 NCR 733 AS FOLLOWS:

2
3 **15A NCAC 05F .0101 PURPOSE AND SCOPE**

4 ~~[These rules]~~ The procedures and standards set forth in the rules of this Subchapter ~~[the procedures and standards to]~~
5 shall be followed by the ~~director~~ Director in assessing civil penalties. ~~Penalties and by the Mining and Energy~~
6 ~~Commission in hearing appeals from the assessment of such penalties.~~

7
8 *History Note: Authority G.S. 74-61; ~~74-62~~; 74-63; 74-64; 143B-10;*

9 *Eff. May 1, 1982;*

10 *Amended Eff. August 1, 2012 (see S.L. 2012-143, s.1.(d)); November 1, 1984;*

11 *Readopted Eff. August 1, 2026.*

1 15A NCAC 05F .0103 IS READOPTED AS PUBLISHED IN 40:08 NCR 733 AS FOLLOWS:

2
3 **15A NCAC 05F .0103 WHO MAY ASSESS**

4 Civil penalties may be assessed by the ~~director~~. Director.

5
6 *History Note: Authority G.S. 74-61; ~~74-62~~; 74-63; 74-64; 143B-10;*
7 *Eff. May 1, 1982;*
8 *Readopted Eff. August 1, 2026.*
9

1 15A NCAC 05F .0105 IS READOPTED AS PUBLISHED IN 40:08 NCR 733 AS FOLLOWS:

2
3 **15A NCAC 05F .0105 CIVIL PENALTY FOR MINING WITHOUT A PERMIT**

4 (a) Prior to the assessment of any civil penalty for mining without a permit, the alleged violator shall be given notice
5 by registered or certified mail, return receipt requested. ~~requested, signed by the Regional engineer in the region in~~
6 ~~which the violation occurred.~~ The notice shall describe the ~~violation with reasonable particularity,~~ violation, order the
7 violator ~~immediately~~ to cease mining until a valid operating permit has been obtained, and specify a time period
8 ~~reasonably~~ calculated to permit the restoration of any disturbed area. ~~area as deemed necessary by the regional~~
9 ~~engineer.~~ The notice shall also state that a civil penalty may be assessed for any violation.

10 (b) In determining whether to assess a civil penalty for any violation committed prior or subsequent to receipt of the
11 notice of violation, the ~~director~~ Director shall consider whether the violator ceased mining, restored the affected area,
12 or otherwise complied with the requirements of the notice of violation. ~~Violation and shall also consider the various~~
13 ~~criteria in Rule 5F .0007.~~ The civil penalty assessment shall specify ~~with reasonable particularity~~ the [violation(s)]
14 violations for which the penalty has been assessed and shall be transmitted to the violator by certified or registered
15 mail, return receipt requested.

16 *History Note:* Authority G.S. 74-60; ~~74-61; 74-63; 74-64; 143-B-10;~~ 74-61; 74-63; 74-64; 143B-10;

17 Eff. May 1, 1982;

18 Amended Eff. December 1, 1988; November 1, 1984;

19 Readopted Eff. August 1, 2026.

1 15A NCAC 05F .0106 IS READOPTED AS PUBLISHED IN 40:08 NCR 733 AS FOLLOWS:

2
3 **15A NCAC 05F .0106 CIVIL PENALTY FOR VIOLATING OPERATING PERMIT**

4 ~~(a) Prior to the assessment of a civil penalty against a permitted operator for violating any provisions of the Mining~~
5 ~~Act of 1971, or any rules promulgated thereunder, or any conditions of his mining permit, the alleged violator or his~~
6 ~~agent shall be given notice by registered or certified mail, return receipt requested, signed by the director. The notice~~
7 ~~shall describe the violation with reasonable particularity and specify a time period reasonably calculated to permit the~~
8 ~~violator to correct the violation. The notice shall also state that civil penalties may be assessed against the alleged~~
9 ~~violator if he fails to correct the violation within the specified time.~~

10 ~~(b)~~ If the violator does not comply with the requirements of the notice of [violation] violation required by G.S. 74-
11 64(a)(1) within the time period specified in the notice, the ~~director~~ Director may assess a civil penalty for any
12 [violation(s)] violations committed after the date of receipt of the notice of violation. The civil penalty assessment
13 shall specify ~~with reasonable particularity~~ the [violation(s)] violations for which the penalty has been assessed and
14 shall be transmitted to the violator by certified or registered mail, return receipt requested.

15 *History Note: Authority G.S. 74-60; 74-61; ~~74-62~~; 74-63; 74-64; 143B-10;*

16 *Eff. May 1, 1982;*

17 *Amended Eff. November 1, 1984;*

18 *Readopted Eff. August 1, 2026.*

1 15A NCAC 05F .0111 IS REPEAED THROUGH READOPTION AS PUBLISHED IN 40:08 NCR 733 AS
2 FOLLOWS:

3
4 **15A NCAC 05F .0111 REFERRAL TO ATTORNEY GENERAL**

5
6 *History Note: Authority G.S. 74-61; ~~74-62~~ 74-63; 74-64; 143B-10;*
7 *Eff. May 1, 1982;*
8 *Repealed Eff. August 1, 2026.*
9

1 15A NCAC 05F .0112 IS REPEAED THROUGH READOPTION AS PUBLISHED IN 40:08 NCR 733 AS
2 FOLLOWS:

3

4 **15A NCAC 05F .0112 FURTHER REMEDIES**

5

6 *History Note:* Authority G.S. 74-61; ~~74-62~~; 74-63; 74-64; 143B-10;

7 *Eff. May 1, 1982;*

8 *Amended Eff. August 1, 2012 (see S.L. 2012-143, s.1. (d));*

9 *Repealed Eff. August 1, 2026.*

10

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15A NCAC 05G .0103 IS READOPTED AS PUBLISHED IN 40:08 NCR 733 AS FOLLOWS:

15A NCAC 05G .0103 PROCEDURES FOR OBTAINING PERMITS

The application for and issuance of exploration permits ~~is~~ shall be governed by the procedures in this Subchapter.

History Note: Authority G.S. 74-77 through 74-89;

Eff. December 1, 1983;

Readopted Eff. August 1, 2026.

1 15A NCAC 05G .0104 IS READOPTED AS PUBLISHED IN 40:08 NCR 733 AS FOLLOWS:

2
3 **15A NCAC 05G .0104 ABANDONMENT PLAN: BONDING REQUIREMENTS**

4 (a) After reviewing an application, the ~~department~~ Department shall determine whether it should be approved and
5 notify the applicant of its determination. No application shall be approved unless it contains an abandonment plan
6 acceptable to the ~~department~~ Department. If the application is approved, the ~~department~~ Department shall ~~will~~
7 determine the amount of the performance bond that ~~is will be~~ required and issue to the applicant a bond form to be
8 used in securing the bond. A person shall not engage in exploration activity for the discovery of uranium until a bond
9 in the required amount has been filed with the ~~department~~ Department and an exploration permit has been issued.

10 (b) The required amount of the bond shall ~~that will be required is to be~~ determined as follows:

- 11 (1) The applicant shall provide the ~~department~~ Department with an estimate of the total length of the
12 vehicular access roads ~~that which will~~ involve the cutting of vegetation [~~and/or~~ or grading and of
13 the number of exploratory drill holes and test pits;
14 (2) The minimum amount of any bond shall be five thousand dollars (\$5,000.00). In addition to the
15 minimum bond amount of five thousand dollars (\$5,000.00), an additional bond amount shall be
16 required at the rate of two dollars (\$2.00) per each linear foot of vehicular access road and of two
17 hundred dollars (\$200.00) per each exploratory drill hole or test pit; and
18 (3) If the ~~department~~ Department determines that the amount of the bond required under Subparagraph
19 (b)(2) of this Rule is ~~either excessive or inadequate~~ to complete the required abandonment, due to
20 ~~specific site conditions~~, the ~~department~~ Department may negotiate a different bond amount that shall
21 ~~will~~ assure adequate abandonment in the event of bond forfeiture.

22 (c) A permittee shall be in violation of its permit if the length of the vehicular access roads or the number of
23 exploratory drill holes or test pits exceeds the length or number authorized by the amount of its bond.

24
25 *History Note:* Authority G.S. 74-78; ~~74-79; 74-80; 74-81; 74-86; [7479; 7486;]~~
26 *Eff. December 1, 1983;*
27 *Readopted Eff. August 1, 2026.*
28

1 15A NCAC 05G .0105 IS READOPTED AS PUBLISHED IN 40:08 NCR 733 AS FOLLOWS:

2
3 **15A NCAC 05G .0105 DRILLING: CASING: TESTING AND ABANDONMENT**

4 The methods and procedures utilized in drilling, casing, ~~testing~~ testing, and abandonment shall be in accordance with
5 the requirements of ~~Title 15A NCAC Subchapter 2C, of 15A NCAC~~ ~~02C~~ 02C, Section .0100, Criteria and Standards
6 Applicable to Water Supply and Certain Other Type Wells, and is hereby incorporated by reference, including
7 subsequent amendments and editions.

8
9 *History Note:* Authority G.S. 74-78; ~~74-86; 143B-290;~~ ~~[74-86; 143B-290;]~~
10 *Eff. December 1, 1983;*
11 *Readopted Eff. August 1, 2026.*
12

Burgos, Alexander N

Subject: FW: [External] Re: NC Mining Commission - Rules for July 2026 RRC Meeting
Attachments: 15A NCAC 05A .0101 v2.docx; 15A NCAC 05A .0202 v2.docx; 15A NCAC 05B .0103 v2.docx; 15A NCAC 05B .0104 v2.docx; 15A NCAC 05B .0113 v2.docx; 15A NCAC 05B .0114 v2.docx; 15A NCAC 05B .0115 v2.docx; 15A NCAC 05F .0101.docx; Request for Changes - Mining Commission Responses 07.21.2026 - CSM.docx

From: Miller, Christopher S <christopher.miller@oah.nc.gov>
Sent: Thursday, July 23, 2026 2:42 PM
To: Unnone, Victor <vunnone@ncdoj.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Everett, Jennifer <jennifer.everett@deq.nc.gov>; Parr, Adam <adam.parr@deq.nc.gov>; Young, Elizabeth S <esyounge@ncdoj.gov>; Miller, Christopher S <christopher.miller@oah.nc.gov>
Subject: RE: [External] Re: NC Mining Commission - Rules for July 2026 RRC Meeting

Thank you, Victor. I have a few follow up comments/requests for you. Please see the attached RFC. My new comments are noted in **red** text.

Please also use the attached versions of these rules when making additional changes. I corrected some minor formatting issues for you (e.g., removing unnecessary highlighting and brackets and adding underlining where applicable).

Please provide your responses and updated rules to me **by Monday (the 27th) night**.

Let me know if you have any questions.

Best,
Chris

Chris Miller

Rules Review Commission Counsel
North Carolina Office of Administrative Hearings | Rules Division
1711 New Hope Church Road
Raleigh, NC 27609
(984) 236-1935

NOTICE: E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by authorized State officials.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Mining Commission

RULE CITATION: 15A NCAC 05A .0101

DEADLINE FOR RECEIPT: July 20, 2026

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

General Formatting: Please remove the underline and italics from the line numbers on the left-hand side of the page.

Response: The language has been revised as suggested.

The formatting has not been corrected. Please revise per my original comment.

Line 5: The comma after "Environment, Health, and Natural Resources" should also be in strikethrough.

Response: The language has been revised as suggested.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Christopher S. Miller
Commission Counsel
Date submitted to agency: July 09, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Mining Commission

RULE CITATION: 15A NCAC 05A .0202

DEADLINE FOR RECEIPT: July 20, 2026

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

(a), line 6: If it is not defined elsewhere in your rules, you should include a legal citation following “the Mining Act of 1971”.

Response: Added “as set forth in Article 7, Chapter 74 of the General Statutes.”

Please capitalize “statutes” in the added text on line 7.

(a)(1-5): Is the list here meant to be exhaustive? You state “shall have the following powers” on line 5 and then “including” on line 6, which makes it slightly confusing.

Response: This list is not meant to be exhaustive. As per the examples in the 2021 Administrative Rule Style Guide, Section 14.1, this section omits the word “only” and utilizes the word “including”.

(a)(1): The comma after “renewal” should also be in strikethrough.

Response: The language has been revised as suggested.

(a)(4): Add a comma after “setting of hearings”.

Response: The language has been revised as suggested.

(b), lines 15 and 16: If it is not defined elsewhere in your rules, you should include a legal citation following “the Control of Exploration for Uranium in North Carolina Act of 1983”.

Response: Added “as set forth in Article 8, Chapter 74 of the General Statutes.”

(b)(1-5): Is the list here meant to be exhaustive? You state “shall have the following powers” on line 14 and then “including” on line 16, which makes it slightly confusing.

Response: This list is not meant to be exhaustive. As per the examples in the 2021 Administrative Rule Style Guide, Section 14.1, this section omits the word “only” and utilizes the word “including”.

(c), line 23: Add a comma after “05F”.

Christopher S. Miller
Commission Counsel

Date submitted to agency: July 09, 2026

Response: The language has been revised as suggested.

(c)(1), line 25: “Change” does not need to be capitalized.

Response: The language has been revised as suggested.

(c)(1), line 26: Move the comma after “including” so that it follows “to correct errors”. It should read as, “... to correct errors, including grammatical errors, ...”.

Response: The language has been revised as suggested.

(c)(2), line 28: Add a comma after “G.S. 74-49(1)”.

Response: The language has been revised as suggested.

(c)(2), line 29: What definition of “mining”? The one set forth in G.S. 74-49(7)? If so, please include a reference here for clarity.

Response: Updated 15A NCAC 05A .0202(c) to reference the definitions found in Article 7, Chapter 74 of the General Statutes.

I still think this needs to be clarified in (c)(2). Please consider stating, “... that does not meet the definition of mining set forth in G.S. 74-49(7) and occurs ...”

(c)(3), line 33: Please change “USC” to “U.S.C.”.

Response: The language has been revised as suggested.

(c)(3), line 33: Add a comma after “42 U.S.C. 9601(33)”.

Response: The language has been revised as suggested.

(c)(4), line 1: Add a comma after “Mineral”.

Response: The language has been revised as suggested.

(c)(4), line 2: Change “their” to “his or her”.

Response: The language has been revised as suggested.

Thanks. In addition, for clarity, would it make sense to add “Division” or “Department” in between “any” and “position”?

(c)(5): Add “of the Department of Environmental Quality” for clarity.

Response: The language has been revised as suggested.

(c)(6), line 5: Delete the extra space after “occur”.

Response: The language has been revised as suggested.

(c)(6), line 6: Remove the comma after “business day”. It is not needed.

Response: The language has been revised as suggested.

(c)(7): “Buffer” does not need to be capitalized.

Response: The language has been revised as suggested.

(c)(7), line 8: What is an “area of special concern”? Consider defining this or explaining.

Response: An area of special concern is *any area that may need additional spatial protections, such as a church, school, stream, wetland, cemetery, etc.*

Thanks. Is this explained or defined anywhere in your rules or statutes? If not, you should include it here in the rule. If it is, please reference that rule/statute here.

(c)(7)(A), line 10: Add a comma after “berms”.

Response: The language has been revised as suggested.

(c)(7)(B): *I’m not sure that this definition is clear. Consider refining this. What is meant by a “disturbance”?*

Response: The word “disturbance” retains its commonly understood meaning. See, e.g., Disturbance, *Merriam-Webster’s Online Dictionary*, <https://www.merriam-webster.com/simple/disturbance> (defining disturbance as “a change in the position, arrangement, or order of something”). As per the structure of the Rule as written, an undisturbed buffer means that no changes to the area in question shall occur (i.e., no road construction). This is in contrast to an unexcavated buffer, where activities and changes may occur to the area in question, like road-construction, but mining excavation is disallowed.

Thanks for this. You state in your response, “an undisturbed buffer means that no changes to the area in question shall occur (i.e., no road construction).” Consider building on this for your definition in the Rule. I think this would be clearer. As currently written, would noise or light qualify as a “disturbance”? What if a person walked on the land and bent a small plant? Is that a “disturbance”? Or does it only capture larger changes made to the physical landscape? The definition used is ambiguous.

(c)(7)(C): “Buffer” does not need to be capitalized.

Response: The language has been revised as suggested.

(c)(8), line 15: Change “Non-public roads” to “Non-public road”.

Response: The language has been revised as suggested.

(c)(8), line 15: Should “had” be changed to “has”?

Response: The language has been revised as suggested.

After re-reading this, please add “no” after “has”.

(c)(10), line 20: “Construction” does not need to be capitalized.

Response: The language has been revised as suggested.

(c)(10), line 21: Delete the comma after “erect”.

Response: The language has been revised as suggested.

(c)(10), line 22: “time limited” should be hyphenated.

Response: The language has been revised as suggested.

(c)(11), line 23: "Material" does not need to be capitalized.

Response: The language has been revised as suggested.

(c)(11), line 24: Should "onsite" be hyphenated here, like how it is used in (c)(10)?

Response: The language has been revised as suggested.

History Note, Authority: Consider adding G.S. 74-63 and 74-86.

Response: G.S. 74-63 and 74-86 have been added as suggested.

History Note, Authority, lines 26 and 27: Per OAH's Style Guide, you should avoid citing to broad ranges of statutes in the History Note when possible. Are all of these statutes relevant authority to this rule? Please confirm. Also, please correct the inconsistent use of dashes here.

Response: Because this is a definitions rule, numerous statutes in the Mining Act provide authority for the definitions. The Mining Commission has confirmed that all the statutes are relevant authority to the rule and corrected the dashes as suggested.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Christopher S. Miller
Commission Counsel

Date submitted to agency: July 09, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Mining Commission

RULE CITATION: 15A NCAC 05B .0103

DEADLINE FOR RECEIPT: July 20, 2026

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Fiscal Impact: You checked the box on Form 0400 for “substantial economic impact” of \$1,000,000+. Please confirm whether you have complied with the requirements set forth in the REINS Act when adopting this rule.

Response: Yes, the Commission complied with the REINS Act as the rules were approved by a unanimous vote of the commissioners.

(a), line 4: Consider re-writing to, “After an application for a new mining permit, permit modification, or permit transfer is approved ...”.

Response: The language has been revised as suggested.

*(c): How is this different than the language used at the end of (b)? Is this a different process? If so, make this clear in your rule. Is (c) for **initial** bond determinations while (b) is only for appeals of bond determinations?*

Response: Added “initial” to 15A NCAC 05B .0103(c) for clarity.

(d), lines 22-25: Does the Department set and approve the amount of such “substitute” bonds? As written, the rule is not clear. It seems as if the applicant makes this determination on their own.

Response: As per 74-54(b), bond amounts exclude “any area where reclamation has been completed and released from coverage by the Department.” This revised amount is included in the notice from the Department to the Permittee when a partial release occurs. Added “determined by the Department in accordance with this Rule” to clarify that the Department sets the substitute bond amount pursuant to the calculations established in Rule.

(e), line 27: Move “to be affected” to follow directly after “land”.

Response: The language has been revised as suggested.

(e), line 31: Add a comma after “transferred”.

Christopher S. Miller
Commission Counsel

Date submitted to agency: July 09, 2026

Response: The language has been revised as suggested.

(e)(1): I would suggest adding a title for each of the two tables listed here. I think this would improve clarity.

Response: Title added as suggested.

Please revert back to how it was displayed in your submitted rule. After looking at this, I don't think the title is needed at the top of the second table.

(e)(1), table 2: Are the "types" of lands listed in row 1 defined or explained anywhere in your rules or elsewhere?

Response: "Type" refers to the Commodity Codes listed in column 1 and are defined in Table 1, not the column headings in the remainder of row 1.

Thanks. My question still stands. Are the site types listed across in row 1 defined or explained anywhere in your rules or elsewhere? Are these commonly used by the industry and the Department?

(e)(2) and (3): Capitalize the first word in these sentences.

Response: The language has been revised as suggested.

(e)(2): Is this two percent annual increase compounded? The rule should specify.

Response: This is simple interest calculated on a yearly basis.

(e)(2), lines 4 and 5: You state both "per year" and "on an annual basis" here. This is redundant. Remove one.

Response: To clarify, (e)(2) is specifically stating that the 2% increase is calculated per year as simple interest and the calculation occurs every year on July 1.

Thanks. My comment still stands. "Per year" and "annual basis" mean the same thing. You don't need to include them both here in the same sentence, describing the same increase. Remove one of them. Also, based on your response, the rule would make more sense if it read as something like: "The amounts included in Subparagraph (1) of this Paragraph shall be increased by two percent on July 1, 2027, and by two percent on each July 1 thereafter."

(g)(2), line 4: Change the comma to a period at the end of this.

Response: The language has been revised as suggested.

(h), line 14: Add a comma after "G.S. 74-51(h)".

Response: The language has been revised as suggested.

(h), line 16: Add a comma after "60 days".

Response: The language has been revised as suggested.

(i), line 17: Add a comma after "G.S. 74-51(d)(1)".

Response: The language has been revised as suggested.

(i), line 17: Why do you use “security” here when “bond” is used everywhere else in the Rule up to this point?

Response: Changed to “bond” for consistency as suggested.

(j)(1)(A): Add a comma after “address”.

Response: The language has been revised as suggested.

(j)(1)(B), lines 22 and 23: Add a comma after “Quality” and after “Center”.

Response: The language has been revised as suggested.

(j)(1)(F): Remove the quotation marks from the name of the Act, add a comma after “1971”, and remove the parenthesis from “G.S. 74-46 through 74-68”.

Response: The language has been revised as suggested.

(j)(1)(F), line 32: Remove “and regulations”. Rules are state rules. Regulations refer to federal regulations.

Response: The language has been revised as suggested.

(j)(1)(G): Only “Signature” should be capitalized.

Response: The language has been revised as suggested.

(j)(1)(G): Add a comma after “title”.

Response: The language has been revised as suggested.

(j)(2)(A): Add a comma after “address”.

Response: The language has been revised as suggested.

(j)(2)(C): Add a comma after “address”.

Response: The language has been revised as suggested.

(j)(2)(E), line 13: Add a comma after “transfers”.

Response: The language has been revised as suggested.

(j)(2)(F), line 18: Remove “and regulations”. Rules are state rules. Regulations refer to federal regulations.

Response: The language has been revised as suggested.

(j)(2)(F), line 20: Same comment as above.

Response: The language has been revised as suggested.

(j)(2)(G): Remove the quotation marks from the name of the Act, add a comma after “1971”, and remove the parenthesis from “G.S. 74-46 through 74-68”.

Response: The language has been revised as suggested.

(j)(2)(G), lines 26 and 27: Why are you using a different way here to refer to the Mining Act? Be consistent throughout your rule.

Response: The language has been revised as suggested.

There is no change noted in the document provided. Also, do you need this language at the end of (G)? Could you not just delete, “by reason of the Mining Act 1971, Article 7, Chapter 74 of the General Statutes of North Carolina”?

(j)(2)(H): Only “Signature” needs to be capitalized.

Response: The language has been revised as suggested.

This change is not captured in the document provided.

(j)(2)(H): Add a comma after “name”.

Response: The language has been revised as suggested.

This change is not captured in the document provided.

(j)(2)(J): Only “Signature” needs to be capitalized.

Response: The language has been revised as suggested.

(j)(2)(J): Add a comma after “name”.

Response: The language has been revised as suggested.

(j)(3)(A): Add a comma after “address”.

Response: The language has been revised as suggested.

(j)(3)(B): Add a comma after “address”.

Response: The language has been revised as suggested.

(j)(3)(C): You state “Department of Environmental Quality” twice. Remove one.

Response: The language has been revised as suggested.

(j)(3)(C): Add a comma after “Quality” and “Center”.

Response: The language has been revised as suggested.

(j)(3)(J): Add a semi-colon at the end of this.

Response: The language has been revised as suggested.

(j)(3)(K): Change the period at the end of this to a semi-colon.

Response: The language has been revised as suggested.

(j)(3)(L): Remove the quotation marks from the name of the Act, add a comma after “1971”, and remove the parenthesis from “G.S. 74-46 through 74-68”.

Response: The language has been revised as suggested.

(j)(3)(M): Only “Signature” needs to be capitalized.

Response: The language has been revised as suggested.

(j)(3)(M): Add a comma after “name”.

Response: The language has been revised as suggested.

(j)(4)(A): Add a comma after “address”.

Response: The language has been revised as suggested.

(j)(4)(B): Add a comma after “address”.

Response: The language has been revised as suggested.

(j)(4)(C): You state “Department of Environmental Quality” twice. Remove one.

Response: The language has been revised as suggested.

(j)(4)(C): Add commas after “Quality” and “Center”.

Response: The language has been revised as suggested.

(j)(4)(J): Add a semi-colon at the end of this.

Response: The language has been revised as suggested.

(j)(4)(K): Change the period at the end of this to a semi-colon.

Response: The language has been revised as suggested.

(j)(4)(L): Remove the quotation marks from the name of the Act, add a comma after “1971”, and remove the parenthesis from “G.S. 74-46 through 74-68”.

Response: The language has been revised as suggested.

(j)(4)(M): Only “Signature” needs to be capitalized.

Response: The language has been revised as suggested.

(j)(4)(M): Add a comma after “name”.

Response: The language has been revised as suggested.

(j)(5)(B): Add a period at the end of this.

Response: The language has been revised as suggested.

History Note, Authority: Change “7451” to “74-51” and “7454” to “74-54”.

Response: The language has been revised as suggested.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Mining Commission

RULE CITATION: 15A NCAC 05B .0104

DEADLINE FOR RECEIPT: July 20, 2026

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Line 1: Move "AS" to follow "WITH CHANGES".

Response: The language has been revised as suggested.

(a)(5): Add a comma after "estuarine".

Response: The language has been revised as suggested.

(b)(1): Add a comma after "subsequent land use".

Response: The language has been revised as suggested.

(b)(5): Add a comma after "siltation".

Response: The language has been revised as suggested.

(b)(9): Add a comma after "odious".

Response: The language has been revised as suggested.

(b)(10)(C): Change "county(s)" to "counties".

Response: The language has been revised as suggested.

(b)(10)(E): Add a space between "G.S." and "89C".

Response: The language has been revised as suggested.

(b)(11): Add a comma after "Paragraph" on line 29.

Response: The language has been revised as suggested.

(b)(11)(A) and (B): If you wish to enforce these manuals via your rules, you should incorporate them by reference in accordance with 150B-21.6.

Response: The language has been changed to comply with 150B-21.6.

Christopher S. Miller
Commission Counsel

Date submitted to agency: July 09, 2026

(b)(12): What is the relationship between (12) and the rest of (b)? Does (12) only apply if (11) is used/followed? Or is (12) always required? The “and” inserted at the end of (9) makes this a bit confusing.

Response: (12) is always required. The “and” inserted at the end of (9) has been deleted.

(c), line 3: Add a comma after “aerial photographs”.

Response: The language has been revised as suggested.

(c)(5), lines 9 and 10: Remove the parenthesis. They are not needed.

Response: The language has been revised as suggested.

Please add “, which” before “may”.

(c)(12-17): Why is this text highlighted and underlined? Wasn’t this language proposed in the rule version published in the register? Please check this. Was the formatting in the register incorrect?

Response: Inconsistencies between the Regulatory Impact Analysis and the Register were identified in public comments. 05B .0104(12) was changed for clarity to say, “adjoining land as is specified in G.S. 74-50”. Underling was added to 05B .0104(13) – (17) to show that these are new paragraphs. The text following 05B .0104(17) was stricken to illustrate that it is proposed for removal.

Noted. Please remove only the highlighting from (c)(12-17) since that text was included in the Register. Please keep the highlighting for the text following 05B .0104(17) that was stricken.

(c)(12-16): These should all end with semi-colons rather than periods.

Response: The language has been revised as suggested.

Add “and” to the end of (16).

(c)(12-17): For consistency, you should not capitalize the first word for these provisions.

Response: The language has been revised as suggested.

(d)(2): Add a comma after “city”.

Response: The language has been revised as suggested.

(d)(2): Remove “and” at the end of this. This should be moved further down the list to follow at the end of new (4).

Response: The language has been revised as suggested.

(d)(3), line 17: Add a comma after “city”.

Response: The language has been revised as suggested.

(d)(4), line 25: Add a comma after “lessees” and “permittees”.

Response: The language has been revised as suggested.

(f)(4): Add a comma after “state”.

Response: The language has been revised as suggested.

(f)(4): Add a comma after “ranking official”.

Response: The language has been revised as suggested.

(f)(4): This should end with a semi-colon rather than a period.

Response: The language has been revised as suggested.

(f)(5): Does the last sentence of this only apply for LLCs? It seems like it applies for all of (f)(1-5). If that is the case, you should set this as its own paragraph. The current organization does not make sense.

Response: The language has been revised as suggested.

Thanks. I would remove the number “(6)” and just have this as stand-alone text following the list (but still as part of (f)) since this applies to all of paragraph (f) and the entire list.

History Note, Authority: Please fix the dashes used in the statutory citations.

Response: The language has been revised as suggested.

History Note, Authority: Add a semi-colon after “74-56”.

Response: The language has been revised as suggested.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Mining Commission

RULE CITATION: 15A NCAC 05B .0105

DEADLINE FOR RECEIPT: July 20, 2026

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Line 5: You should add a legal citation after the Mining Act unless you have already defined this elsewhere in your rules.

Response: The Mining Act is defined for the first time at 15A NCAC 05A .0202(a).

(1): Where exactly is this condition specified in 74-51? I don't see anything about erosion control conditions in there. I also didn't see anything about "mining operations". I suggest removing the statutory reference here, unless I am missing something. It seems to be unnecessary.

Response: The reference to G.S. 74-51 has been removed.

(2): This should end with a semi-colon rather than a period.

Response: The language has been revised as suggested.

(3): This should end with a semi-colon rather than a period.

Response: The language has been revised as suggested.

(4): This should end with a semi-colon rather than a period.

Response: The language has been revised as suggested.

(5): This should end with a semi-colon rather than a period.

Response: The language has been revised as suggested.

History Note, Authority: Please fix the dashes used in the statutory citations.

Response: The language has been revised as suggested. This appears to be a software error – when viewed in a web browser or as published in the Register, the dashes are correct, however when viewed in Microsoft Word double dashes are visible. The text has been replaced in the Rules to ensure this does not occur going forward.

Christopher S. Miller
Commission Counsel

Date submitted to agency: July 09, 2026

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Christopher S. Miller
Commission Counsel
Date submitted to agency: July 09, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Mining Commission

RULE CITATION: 15A NCAC 05B .0106 (REPEAL)

DEADLINE FOR RECEIPT: July 20, 2026

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

History Note, Authority: Please fix the dashes used in the statutory citations.

Response: The language has been revised as suggested.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Christopher S. Miller
Commission Counsel
Date submitted to agency: July 09, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Mining Commission

RULE CITATION: 15A NCAC 05B .0110

DEADLINE FOR RECEIPT: July 20, 2026y

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

(a): When exactly is reclamation of an area deemed to be "complete"? Can it not be an on-going process? Also, what is an "area of land"? This is not clear.

Response: The purpose of (a) is to specify that when a release is requested, a release request must be sent in to the Department. The requirements of the release request are the same as what is detailed in G.S. 74-55. The language has been changed to address the concerns about clarity and "area of land" has been changed to "area of affected land pursuant to G.S. 74-56." The additional authority citation to G.S. 74-56 has been added.

(a): How does the operator have to notify the Department? In writing? By phone call? In any manner? Is there a deadline for such notification?

Response: There is no deadline. It is up to the permittee when they want to request release. A permittee can notify the Department by submitting a release request form. Language to that effect has been added.

(b), line 9: You state that the Department "may" waive the annual fee. If an agency "may" act, the rule shall state the factors, standards, or circumstances that will guide the agency in deciding whether to act, as required by G.S. 150B-19(6). Please clarify this in your rule. Would the agency ever deny the waiver?

Response: The language has been changed from "may" to "shall," and the language has been updated to clarify that a waiver would not be granted if the "site is determined to not be eligible for release pursuant to G.S. 74-56, prior to December 31 of that same year."

(b), line 10: For clarity, I suggest changing "the permit year" to "that permit year".

Response: The language has been revised as suggested.

(b), line 11: I would suggest changing "may" to "shall", if that aligns with your intent.

Response: The language has been revised as suggested.

Christopher S. Miller
Commission Counsel

Date submitted to agency: July 09, 2026

(b), line 11: Consider adding “of that same year” following “December 31”.

Response: The language has been revised as suggested.

History Note, Authority: How does G.S. 74-55 give you authority to require this notification and release request upon “completion of reclamation”? That statute only discusses annual reports for the activities of the entire prior year.

Response: G.S. 74-55(a) requires reports to be filed by September 1 each year, and paragraph (b) requires that an annual operating fee be paid with the report. The rule gives flexibility to payment of the fee if the annual report is a release request to ensure mine operators are not charged for a year in which they are not in fact operating. Added G.S. 74-56 has also been added as an additional authority for this rule. G.S. 74-56(a) states that “Upon receipt of the operator's annual report or report of completion of reclamation and at any other reasonable time the Department may elect, the Department shall cause the permit area to be inspected to determine whether the operator has complied with the reclamation plan, the requirements of this Article, any rules adopted under this Article, and the terms and conditions of the permit.” Additionally, G.S. 74-56(c) states that “[u]pon completion of reclamation of an area of affected land, the operator shall notify the Department. The Department shall make an inspection of the area, and if it finds that reclamation has been properly completed, it shall notify the operator in writing and release the operator from further obligations regarding the affected land.”

History Note, Authority: Please fix the dashes used in the statutory citations.

Response: The language has been revised as suggested.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Christopher S. Miller
Commission Counsel

Date submitted to agency: July 09, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Mining Commission

RULE CITATION: 15A NCAC 05B .0111

DEADLINE FOR RECEIPT: July 20, 2026

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

(b), line 10: What does “general coverage” mean? This is quite vague.

Response: The word “general” retains its commonly understood meaning. See, e.g., General, Merrian-Webster’s Online Dictionary, <https://www.meriam-webster.com/dictionary/general> (defining “general” as “applicable to or characteristic of the majority of individuals involved”). As per the structure of the Rule as written, general is meant to convey that the media coverage is available to a majority of people or is prevalent in the impacted counties.

(b), line 10: Change “county(s)” to “counties”.

Response: The language has been revised as suggested.

(c), line 18: Consider changing “can” to “shall”.

Response: The language has been revised as suggested.

(e), line 26: Consider changing “will” to “shall”.

Response: The language has been revised as suggested.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Christopher S. Miller
Commission Counsel
Date submitted to agency: July 09, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Mining Commission

RULE CITATION: 15A NCAC 05B .0112

DEADLINE FOR RECEIPT: July 20, 2026

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

(b), line 17: Consider changing "is" to "shall be".

Response: The language has been revised as suggested.

History Note, Authority: Consider adding § 74-54.1 and § 74-63.

Response: G.S. 74-54.1 and G.S. 74-63 have been added.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Christopher S. Miller
Commission Counsel
Date submitted to agency: July 09, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Mining Commission

RULE CITATION: 15A NCAC 05B .0113

DEADLINE FOR RECEIPT: July 20, 2026

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Lines 6-8: Is this a discretionary decision made by the Director? Or are all extension requests granted?

Response: It is a discretionary decision made by the Director.

If an agency "may" act, the rule shall state the factors, standards, or circumstances that will guide the agency in deciding whether to act, as required by G.S. 150B-19(6). Please clarify in your rule how the Director would decide whether to grant an extension request.

History Note, Authority: Please correct the dashes used in the statutory citations.

Response: The language has been revised as suggested.

History Note, Authority: At the end of line 12, "Note:" appears. This looks to be a typo. Please delete.

Response: The language has been revised as suggested.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Christopher S. Miller
Commission Counsel
Date submitted to agency: July 09, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Mining Commission

RULE CITATION: 15A NCAC 05B .0114 (Adoption)

DEADLINE FOR RECEIPT: **July 20, 2026**

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

General Comment: Does it make sense to include this new rule in Subchapter 05B, which relates to permitting and bonds? It feels out of place. Are you saying that this is a condition imposed on all permits?

Response: Yes, this is a condition imposed on all permits that have blasting as a proposed activity.

Noted. In (a), line 4, consider adding “permitted” before “site”.

General Formatting: The use of underlining and highlighting here is not correct given that this is a new rule/adoption with changes. Please follow the guidance on our website for “Permanent Adoption with changes from publication” at <https://www.oah.nc.gov/rule-format-examples#RuleFormatExamplesforPublicationintheNCAdministrativeCode-6063>.

Response: The language has been revised as suggested.

Highlighting is not used to denote changes to the rule text here. I have corrected this for you.

(a), line 4: You should define the term “blasting”. This is the first time that you are using this in your rules.

Response: The word “blasting” retains its commonly understood meaning. See, e.g., Disturbance, Merriam-Webster’s Online Dictionary, <https://www.merriam-webster.com/simple/blasting> (defining disturbance as “to shatter by or as if by an explosive” or “to remove, open, or form by or as if by an explosive”).

(a), line 5: What does it mean to be “regularly occupied”? This is vague. What if the building is vacant and up for sale? Would it not count?

Response: “Regularly occupied” means that a structure does not need to be permanently or continuously occupied, but is not abandoned.

Christopher S. Miller
Commission Counsel

Date submitted to agency: July 09, 2026

If that is the meaning, then put it into your rule. Otherwise, this language is vague. For example, you could add a paragraph (j) that states something like, “For the purposes of this Rule, ‘regularly occupied’ means that a structure does not need to be permanently or continuously occupied, but it is not abandoned.”

(b), line 9: Same comment as above. Also, why is the terminology used here different than that in (a)? Is it meant to have a separate meaning?

Response: Added “not owned or leased by the operator” for consistency throughout the rule.

(c), line 14: Add a space after “Handbook”.

Response: The language has been revised as suggested.

(c), page 2, lines 3-4: What does it mean to be “regularly occupied”? This is vague. What if the building is vacant and up for sale? Would it not count?

Response: Same answer as above regarding the “regularly occupied” language.

(d), line 9: Same comment as above.

Response: Same answer as above regarding the “regularly occupied” language.

(d), lines 10-11: I think there is some language missing here. Should this say something like, “... unless an alternate level is allowed based on ...” or “is deemed to be safe based on ...”?

Response: The language has been revised as suggested.

(e), line 13: Consider expanding “blasting” to say “air blast overpressure resulting from surface blasting”. I think this would improve clarity.

Response: The language has been changed to “air blast overpressure” for clarity.

(e), line 15: Add a space after “Handbook”.

Response: The language has been revised as suggested.

(e), lines 22-23: What does it mean to be “regularly occupied”? This is vague. What if the building is vacant and up for sale? Would it not count?

Response: Same answer as above regarding the “regularly occupied” language.

(e), line 26: Why do you state “air blast/overpressure” here? Can it not be written as “air blast overpressure”, as you previously used in (d)? Is this something different?

Response: The language has been revised as suggested.

(f), line 2: Should “with” or “on” be inserted before “a minimum delay of 1 milliseconds.”?

Response: The language has been revised as suggested.

(g)(1): “Company” does not need to be capitalized.

Response: The language has been revised as suggested.

(g)(11): Same comment regarding the use of “regularly occupied” structure.

Response: Same answer as above regarding the “regularly occupied” language.

(g)(13): *“Whether” does not need to be capitalized.*

Response: The language has been revised as suggested.

(h): *Who determines what “all reasonable precautions” entails? Does everyone agree on what is a “reasonable” precaution? Are costs considered in this? This language is vague.*

Response: The phrase “all reasonable” has been stricken.

(i), lines 22-23: *I suggest changing “these blasting conditions” to “the blasting conditions set forth in this Rule”.*

Response: The language has been revised as suggested.

(i), line 23: *What constitutes “making an effort”? This is vague. And what is a “production blasting program”?*

Response: The phrase “making an effort” has been stricken and changed to “evaluate.” Additional language has been added for clarity. The production blasting program is the operation’s blasting activities for when an operation is conducting a production blast.

In (i), line 22, for consistency, change “the level allowed by these blasting conditions” to “the level allowed by the blasting conditions set forth in this Rule”.

History Note, Authority: Where does the Commission’s authority come from to regulate blasting with this level of specificity, and to also apply it broadly to all permittees without application to the specific circumstances?

Response: G.S. 74-63 states that the Commission “may adopt rules necessary to administer. . .” the Mining Act. G.S. 74-51(d)(1)-(7) list criteria for permit denial. Those provisions contemplate denial of a permit, and thus restricted ability to mine, based on the potential adverse effects and physical hazards caused by mining operations. Due to the potential severity of impacts blasting practices may cause to the land, groundwater, local wildlife, marine life, and nearby structures, which blasting may contribute to a detailed rule is necessary to ensure safe practices are used and unsafe practices may be enforced against. This rule was adopted to minimize impacts and ensure the safe operation of mines. The rule is limited to sites that use blasting and would not apply where such practices do not take place.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Mining Commission

RULE CITATION: 15A NCAC 05B .0115 (Adoption)

DEADLINE FOR RECEIPT: July 20, 2026

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

(a), line 5: What "Act"? be specific.

Response: Added "The Mining Act of 1971."

Please add the legal citation following the name of the Act, as you have done in other rules.

(a), line 5: Consider changing "does not" to "shall not".

Response: The language has been revised as suggested.

(b)(3), line 17: What "Article" are you referencing? Be specific.

Response: Added "Article 7."

This is not a full citation. Article 7 of what? Be specific so that it clearly points to the law.

(b)(5): Add "(a)" before "(15)". Also, rule 15A NCAC 05B .0104 does not have an (a)(15). As submitted, it ends at (a)(14). Please check this reference and correct as needed.

Response: The language has been revised as suggested.

(b)(5): Add a period at the end of this.

Response: The language has been revised as suggested.

(b)(6): Add commas after "lessees" and "permittees".

Response: The language has been revised as suggested.

(f), line 36: What "Article" are you referencing? Be specific.

Response: Added "Article 7."

Same comment as above.

Christopher S. Miller
Commission Counsel
Date submitted to agency: July 09, 2026

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Christopher S. Miller
Commission Counsel
Date submitted to agency: July 09, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Mining Commission

RULE CITATION: 15A NCAC 05B .0116 (Adoption)

DEADLINE FOR RECEIPT: July 20, 2026

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

(a), line 4: Add “mining” before “permit changes”.

Response: The language has been revised as suggested.

(a)(1): Please correct the line indentation here so that it aligns with (2)-(5).

Response: The language has been revised as suggested.

(a)(4): For clarity, consider adding “that complies with Rule .0103 of this Section” after “in the new corporate name”.

Response: The language has been revised as suggested.

(a)(5), line 18: Add commas after “lessees” and “permittees”.

Response: The language has been revised as suggested.

*(b), line 20: Shouldn't this say, “Upon approval of the **permit transfer ...**”? The Commission doesn't approve corporate name changes.*

Response: The language has been revised as suggested.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Christopher S. Miller
Commission Counsel
Date submitted to agency: July 09, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Mining Commission

RULE CITATION: 15A NCAC 05B .0117 (Adoption)

DEADLINE FOR RECEIPT: July 20, 2026

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

General Comment: Why is this Rule necessary? G.S. 74-51(h) states, "The operating permit shall not be issued until receipt of this deposit." So, it should already be understood that no permit is valid and issued until the security requirement has been met. What is the effect of this Rule? What is it doing?

Response: This rule clarifies that there may be times where DEMLR will share a draft permit with a permittee, but those terms should not be considered binding until the bond is in place. It gives the permittee a chance to provide feedback on the permit before it is issued.

Line 4: Add "and" or "but" in between "application" and "prior".

Response: Added "and" in between "application" and "prior."

Line 7: What is "timely approval"? I'm not sure what you're referring to here. There are no approval deadlines set forth in (h). There is only a deadline for permittees to submit the security. I would suggest clarifying this language.

Response: The word "timely" was removed from the rule as it was not necessary.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Christopher S. Miller
Commission Counsel

Date submitted to agency: July 09, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Mining Commission

RULE CITATION: 15A NCAC 05F .0101

DEADLINE FOR RECEIPT: July 20, 2026

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

General Comment: Is this rule necessary? What is the effect of this rule? The RRC generally frowns upon Purpose rules unless they are truly needed.

Response: This rule specifies that these Rules spell out the procedures and standards the Director of DEMLR must follow when issuing civil penalty assessments related to the Mining Program.

Got it. Consider rewriting the rule as, "The procedures and standards set forth in the rules of this Subchapter shall be followed by the Director in assessing civil penalties." As currently written, this is more of a general description of other rules rather than a binding statement.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Christopher S. Miller
Commission Counsel
Date submitted to agency: July 09, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Mining Commission

RULE CITATION: 15A NCAC 05F .0103

DEADLINE FOR RECEIPT: July 20, 2026

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*Line 4: Is this Rule saying that penalties can **only** be assessed by the Director? If so, I suggest changing "may" to "shall".*

Response: No, the Director can delegate the authority to assess Civil Penalties.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Christopher S. Miller
Commission Counsel
Date submitted to agency: July 09, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Mining Commission

RULE CITATION: 15A NCAC 05F .0105

DEADLINE FOR RECEIPT: July 20, 2026

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

(b), line 13: Change "violation(s)" to "violations".

Response: The language has been revised as suggested.

History Note, Authority: Please correct the dashes used in the statutory citations.

Response: The language has been revised as suggested.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Christopher S. Miller
Commission Counsel
Date submitted to agency: July 09, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Mining Commission

RULE CITATION: 15A NCAC 05F .0106

DEADLINE FOR RECEIPT: July 20, 2026

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Line 10: Since you've deleted paragraph (a), I would suggest adding "required by G.S. 74-64(a)(1)" after "the notice of violation".

Response: The language has been revised as suggested.

Line 11: Change "violation(s)" to "violations".

Response: The language has been revised as suggested.

Line 12: Same comment as noted above.

Response: The language has been revised as suggested.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Christopher S. Miller
Commission Counsel
Date submitted to agency: July 09, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Mining Commission

RULE CITATION: 15A NCAC 05F .0111 (Repeal)

DEADLINE FOR RECEIPT: July 20, 2026

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

No comments.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Christopher S. Miller
Commission Counsel
Date submitted to agency: July 09, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Mining Commission

RULE CITATION: 15A NCAC 05F .0112 (Repeal)

DEADLINE FOR RECEIPT: July 20, 2026

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Form 0400: The form for this rule appears to be missing your signature in box 11. Please update and resubmit the Form to me.

Response: Form 0400 has now been signed, and an updated Form is attached.

History Note, Authority: For consistency, you should also strike out 74-62 here (since that statute has been repealed).

Response: The language has been revised as suggested.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Christopher S. Miller
Commission Counsel
Date submitted to agency: July 09, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Mining Commission

RULE CITATION: 15A NCAC 05G .0103

DEADLINE FOR RECEIPT: July 20, 2026

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Line 4: Change "is" to "shall be".

Response: The language has been revised as suggested.

History Note, line 8: Insert "Eff." between "Readopted" and "August".

Response: The language has been revised as suggested.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Christopher S. Miller
Commission Counsel
Date submitted to agency: July 09, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Mining Commission

RULE CITATION: 15A NCAC 05G .0104

DEADLINE FOR RECEIPT: July 20, 2026

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

(b)(1), line 12: Avoid using "and/or" in rules. Rather, consider just using "or".
Response: The language has been revised as suggested.

History Note, Authority: Consider adding § 74-80 and 74-81.
Response: G.S. 74-80 and G.S. 74-81 have been added.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Mining Commission

RULE CITATION: 15A NCAC 05G .0105

DEADLINE FOR RECEIPT: July 20, 2026

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Line 4: Add a comma after "testing".

Response: The language has been revised as suggested.

Line 5: Add a comma after "15A NCAC 02C".

Response: The language has been revised as suggested.

Lines 6-7: This does not fully meet the incorporation requirements of G.S. 150B-21.6. Please specify in the rule both where copies of the material can be obtained and the cost on the date the rule is adopted of a copy of the material.

Response: The language has been updated to fully incorporate the requirements of G.S. 150B-21.6.

History Note, Authority: Please correct the dashes used in the statutory citations.

Response: The language has been revised as suggested.

History Note, line 11: Please add "Eff." between "Readopted" and "August".

Response: The language has been revised as suggested.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Christopher S. Miller
Commission Counsel
Date submitted to agency: July 09, 2026

15A NCAC 05A .0101 IS READOPTED WITH CHANGES AS PUBLISHED IN 40:08 NCR 733 AS FOLLOWS:

15A NCAC 05A .0101 NAME AND ADDRESS

The name of this agency shall be the North Carolina Mining and Energy Commission. Its address is Department of ~~Environmental Quality, Environment, Health, and Natural Resources,~~ P.O. Box 27687, 1612 Mail Service Center, Raleigh, North Carolina ~~27611,~~ 27699-1612.

History Note: Authority G.S. 143B-290;

Eff. February 1, 1976;

Amended Eff. January 31, 1979;

Readopted Eff. August 1, 1982;

Amended Eff. August 1, 2012 (see S.L. 2012-143, s.1.(d)); April 1, 1990;

Readopted Eff. August 1, 2026.

1 15A NCAC 05A .0202 IS READOPTED WITH CHANGES AS PUBLISHED IN 40:08 NCR 733 AS FOLLOWS:

2
3 **15A NCAC 05A .0202 DELEGATION AUTHORITIES AND DEFINITIONS**

4 (a) The Director, Division of Energy, Mineral, and Land Resources, Department of Environmental Quality,
5 Department of Environment, Health, and Natural Resources, shall have the following powers and duties with regard
6 to necessary to administer the administration of the Mining Act of 1971-1971, as set forth in Article 7, Chapter 74 of
7 the General statutes, including:

- 8 (1) the issuance, denial, modification, renewal, ~~suspension~~ suspension, transfer, and revocation of
- 9 permits;
- 10 (2) the approval of reclamation plans;
- 11 (3) the initiation of forfeiture proceedings;
- 12 (4) the giving of notices, setting of [hearings] hearings, and taking of action upon findings of violations;
- 13 and
- 14 (5) the institution of all criminal and civil actions.

15 (b) The Director, Division of Energy, Mineral, and Land Resources, Department of Environmental Quality,
16 Department of Environment, Health, and Natural Resources shall have the following powers and duties necessary to
17 administer with regard to the administration of the Control of Exploration for Uranium in North Carolina Act of 1983-
18 1983, as set forth in Article 8, Chapter 74 of the General Statutes, including:

- 19 (1) the issuance, denial, modification, renewal, ~~suspension~~ suspension, transfer, and revocation of
- 20 permits;
- 21 (2) the review of the plans for the initiation and ~~approval~~ of the abandonment of affected land;
- 22 (3) the inspection and approval of the abandonment of affected land;
- 23 (4) the giving of notices, setting of hearings, and taking of action upon findings of violations; and
- 24 (5) the institution of all criminal and civil actions.

25 (c) The definitions found in Article 7 of Chapter 74 of the General Statutes and the following definitions apply to
26 Subchapters 05A, 05B, [05F] 05F, and 05G of Chapter 5 of Title 15A of the North Carolina Administrative
27 Code:

- 28 (1) “Administrative [Change”] change” means any change initiated by the Department or requested by
29 the applicant to correct [errors] errors, [including,] including grammatical errors, typographical
30 errors, and map inaccuracies, that do not substantively change the permit.
- 31 (2) “Affected land”, as defined in G.S. [74-49(1)] 74-49(1), shall not include an unrelated use that does
32 not meet the definition of mining that occurs within the permit boundaries, including activities
33 pertaining to agriculture and silviculture including timber harvesting, where an erosion and
34 sedimentation plan is approved pursuant to G.S. 113A, Article 4, when required, and the unrelated
35 use area is shown on the mine map.
- 36 (3) "Contaminants" shall be defined as set forth in [42 USC 9601(33)] 42 U.S.C. 9601(33), "Pollutants
37 or Contaminants", which is hereby incorporated by reference, including any amendments or

subsequent editions. Copies may be accessed at <https://www.govinfo.gov/content/pkg/USCODE-2023-title42/html/USCODE-2023-title42-chap103-subchapI-sec9601.htm> at no charge.

(4) "Director" means the Director of the Division of Energy, ~~Mineral~~ Mineral, and Land Resources of the Department of Environmental Quality, or any position to which the Director has delegated ~~their~~ his or her authority.

(5) "Division" means the Division of Energy, Mineral, and Land ~~Resources~~ Resources of the Department of Environmental Quality.

(6) "Filed" or "Filing", as applicable to G.S. 74-51(b), shall be deemed to occur at the start of the following business ~~day~~ day when an application is submitted electronically outside of business hours.

(7) "Mining ~~Buffer~~ buffer" means an unexcavated, undisturbed, or vegetative area managed to protect adjacent land owners or area of special concern.

(A) "Unexcavated" means no mine excavation shall occur. Unexcavated buffers may be used for roadways, ~~berms~~ berms, and erosion and sedimentation control or stabilization. Excavation may be allowed for sediment basins or erosion and sedimentation control when shown on the mine map.

(B) "Undisturbed" means no disturbance shall occur.

(C) "Vegetative ~~Buffer~~ buffer" means an unexcavated buffer that may be managed through landscaping or additional plantings.

(8) "Non-public ~~roads~~ road" means any private road that is not maintained by the State or ~~had~~ has maintenance requirements delegated to a municipality. Temporary access roads utilized for exploratory purposes shall not be considered non-public roads when they comply with any requirements for approvals pursuant to G.S. 113A, Article 4.

(9) "Notice", as applicable to G.S. 74-50(b3), includes written or electronic correspondence.

(10) "On-site ~~Construction~~ construction" means development of a site where the primary purpose is to construct, develop, or ~~erect~~ erect structures, infrastructure, or waste facilities, and the removal, but not sale, of any extracted material off-site is incidental to the primary purpose and ~~time limited~~ time-limited.

(11) "Transfer ~~Material~~ material" means material brought into the mine permit boundary for the purpose of blending, recycling, or upgrading of ~~onsite~~ on-site materials for the purpose of resale.

History Note: Authority G.S. 74-50 through 74-53; 74-56 to 74-59; ~~74-63~~; ~~74-75~~ through ~~74-85~~; 74-87; ~~143B-290~~; ~~143B-290~~;
Eff. February 1, 1976;
Amended Eff. January 31, 1979; September 3, 1976;
Readopted Eff. August 1, 1982;
Amended Eff. August 1, 2012 (see S.L. 2012-143, s.1.(f)); April 1, 1990; December 1, 1983;

1
2

Readopted Eff. August 1, 2026.

1 15A NCAC 05B .0103 IS READOPTED AS PUBLISHED IN 40:08 NCR 733 WITH CHANGES AS FOLLOWS:

2
3 **15A NCAC 05B .0103 BONDING REQUIREMENTS**

4 (a) After an application for a new mining ~~permit~~ permit, or permit ~~renewal, modification, modification,~~ or transfer is
5 ~~considered approvable-~~ approved by the Department, an applicant or permittee ~~shall~~ must file a bond with the
6 Department in an amount to be determined by the ~~Director,~~ Director in accordance with this Rule and G.S. 74-54.

7 (b) If the applicant or permittee disagrees with the bond amount determined by the Director, the applicant or permittee
8 may submit to the Director for consideration, an estimate of reclamation costs from a third-party contractor to be used
9 as the bond amount. The estimate shall be provided to the Director within 30 days following the receipt of the
10 Director's initial bond determination. After considering the estimate and recommendations ~~provided by Division~~ his
11 staff, the Director shall notify the applicant or permittee of ~~his~~ the bond determination and the process and conditions
12 used to set the bond amount.

13 (c) The Director ~~may~~ shall ~~invite~~ allow the applicant or permittee to submit to the Department an estimate of
14 reclamation costs from a third-party contractor for the Director's use in determining the initial required bond amount.
15 After considering the estimate and the recommendations provided by ~~his~~ Division staff, the Director shall notify the
16 applicant or permittee of ~~his~~ the initial bond determination and the process and conditions used to set the bond amount.

17 (d) The amount of the bond shall be based on the costs to reclaim the affected land as determined by the reclamation
18 plan approved pursuant to G.S. 74-53 and ~~15A NCAC 5B .0004(b).~~ 15A NCAC 05B .0104(b). ~~The bond amount shall~~
19 ~~be based on a range of five hundred dollars (\$500.00) to five thousand (\$5000.00) per acre of land approved by the~~
20 ~~Department to be affected.~~ If the mining permit is modified to increase the total affected land, the bond shall be
21 increased ~~accordingly~~ pursuant to this Rule. The Director shall consider the method and extent of the required
22 reclamation for a particular site in determining the bond amount. As areas at a site are reclaimed and formally released
23 by the Department, the permittee may substitute a bond in an amount determined by the Department in accordance
24 with this Rule covering the remaining affected land at the site for the bond previously filed with the Department;
25 otherwise, without such bond substitution, the Department shall retain the previously filed bond until all reclamation
26 has been completed and approved by the Department.

27 (e) The initial bond calculation amount shall be based upon the criteria included in the table in Subparagraph (1) of
28 this Paragraph and applied per acre of land ~~to be affected~~ approved by the ~~[Department to be affected.]~~ Department.
29 The criteria in Subparagraph (1) of this Paragraph does not apply to existing bonds already on file with the Department,
30 until action is required to change the bond, including new, [transfer] transferred, and modified mining permits on file
31 with the ~~[Department or compliance action taken by the Department.]~~ Department, or pursuant to compliance action
32 taken by the Department resulting in requirement for an application for new, [transferred] transferred, or modified
33 mining permits.

34 (1) Table of Mining Reclamation Factors.

35

<u>Commodity Codes:</u>			
<u>SG</u>	<u>Sand and/or Gravel</u>	<u>PF</u>	<u>Pyrophyllite</u>

<u>GS</u>	<u>Gemstone</u>	<u>OL</u>	<u>Olivine</u>
<u>Borrow</u>	<u>Borrow/fill dirt</u>	<u>KY</u>	<u>Kyanite/Sillimanite/Andalusite</u>
<u>CS</u>	<u>Crushed Stone</u>	<u>PH</u>	<u>Phosphate</u>
<u>DS</u>	<u>Dimension Stone</u>	<u>CL</u>	<u>Clay/Shale</u>
<u>FS</u>	<u>Feldspar</u>	<u>PE</u>	<u>Peat</u>
<u>MI</u>	<u>Mica</u>	<u>AU</u>	<u>Gold</u>
<u>LI</u>	<u>Lithium</u>	<u>TI</u>	<u>Titanium</u>

<u>Table of Mining Reclamation Factors:</u>							
<u>Type</u>	<u>Tailings/ Sediment Ponds (Lake)</u>	<u>Tailings/ Sediment Ponds (Filled In)</u>	<u>Stockpiles</u>	<u>Wastepiles</u>	<u>Processing Area/Haul Roads</u>	<u>Mine Excavation (Lake)</u>	<u>Mine Excavation (Positive Drainage)</u>
<u>SG,GS, Borrow</u>	[\$810] \$820	[\$2,430] \$2,460	[\$2,916] \$2,952	[\$3,240] \$3,280	[\$2,916] \$2,952	[\$810] \$820	[\$3,240] \$3,280
<u>CS, DS, FS, MI, LI, PF, OL, KY</u>	[\$810] \$820	[\$2,430] \$2,460	[\$2,916] \$2,952	[\$3,240] \$3,280	[\$3,240] \$3,280	[\$810] \$820	[\$4,050] \$4,100
<u>PH</u>	[\$1,620] \$1,640	[\$4,050] \$4,100	[\$4,050] \$4,100	[\$8,100] \$8,200	[\$8,100] \$8,200	[\$3,240] \$3,280	[\$8,100] \$8,200
<u>CL</u>	[\$1,620] \$1,640	[\$4,050] \$4,100	[\$4,050] \$4,100	[\$8,100] \$8,200	[\$8,100] \$8,200	[\$3,240] \$3,280	[\$5,994] \$6,068
<u>PE, AU, TI, OT</u>	[\$1,620] \$1,640	[\$4,050] \$4,100	[\$4,050] \$4,100	[\$4,860] \$4,920	[\$5,670] \$5,740	[\$3,240] \$3,280	[\$8,100] \$8,200

(2) ~~the~~The amounts included in Subparagraph (1) of this Paragraph shall be increased by two percent per year on an annual basis beginning on July 1, 2027.

(3) ~~the~~The Department shall publish the Mining Reclamation Factors that will be in effect on July 1 of each year in the offices of the Department and on the Department's website.

(f) The final bond amount shall be calculated by increasing the initial bond calculation from Paragraph (e) of this Rule, by two percent per year of the estimated life of mine or life of lease to account for estimated inflation. The calculation shall be performed by Simple interest: Bond = Current Bond Value x (1+(.02 x # of years)).

(g) If an applicant or permittee has multiple sites, the applicant or permittee may file a separate bond with the Department for each site or the applicant or permittee may submit one blanket bond covering all sites in the aggregate amount of all bond totals. Once the total amount of all bonds for separate sites or the total blanket ~~bond(s)~~ bond for all sites reaches ~~five hundred thousand dollars (\$500,000)~~ one million dollars (\$1,000,000):

(1) the applicant or permittee with separate bonds may substitute a ~~five hundred thousand dollar (\$500,000)~~ one million dollars (\$1,000,000) blanket bond to be used for all future sites, or

(2) the applicant or permittee with ~~five hundred thousand dollar (\$500,000)~~ one million dollars (\$1,000,000) blanket bond covering all sites may use that blanket bond for all future ~~sites, sites.~~

~~if the Director finds that the applicant or permittee, in either case, has a good operating record, that the five hundred thousand dollars (\$500,000) is sufficient to reclaim all sites and that no additional reclamation bond money is needed.~~

~~If the Director finds that the applicant or permittee does not have a good operating record, that the five hundred thousand dollars (\$500,000) is not sufficient to reclaim all sites, or that additional reclamation money is needed, the Director shall require per acreage bonding for future sites as provided in Paragraph (d) of this Rule.~~

~~(f) For the purposes of this Rule, a good operating record is defined as two consecutive years of operation within the State of North Carolina without final assessment of a civil penalty or other enforcement action pursuant to G.S. 74-64, or having a permit suspended or revoked under G.S. 74-58, or having a bond or other surety forfeited under G.S. 74-59. For the purposes of this Rule, a bond shall include any and all types type of security allowed under G.S. 74-54.~~

~~(h) In accordance with G.S. [74-51(h)] 74-51(h), no permit shall be issued until the operator deposits with the Department a reclamation bond pursuant to G.S. 74-54. Upon written request of the applicant or permittee to the Director, an additional specified period of time to deposit the bond, not to exceed 60 [days] days, shall be granted by the Director.~~

~~(i) In accordance with G.S. [74-51(d)(1)] 74-51(d)(1), failure to provide the required bond [security] within the specified time period, or any extension granted pursuant to Paragraph (h) of this Rule, shall result in denial of the application.~~

~~(j) Any bond deposited with the Department shall include the following elements:~~

~~(1) Surety Bonds:~~

~~(A) Name, [address] address, and type of business entity of Principal exactly matching name of Permittee;~~

~~(B) The State of North Carolina, Department of Environmental [Quality] Quality, 1612 Mail Service [Center] Center, Raleigh, North Carolina 27699-1612 as the Obligee;~~

~~(C) Name and address of Surety authorized by the Insurance Commissioner of North Carolina to do business in North Carolina;~~

~~(D) Sum of bonded amount required under this Rule;~~

~~(E) Conditioned that the Principal conducts or will conduct mining operations in North Carolina as described in the application for an operating permit which includes a Reclamation Plan as provided in G.S. 74-53 and has obtained approval of the application from the Department of Environmental Quality;~~

1 (F) Further conditioned that if the Principal shall comply with the requirements set forth in
2 ["The Mining Act of 1971" (G.S. 74-46 through 74-68)] The Mining Act of 1971, G.S. 74-
3 46 through 74-68, and with the rules [and regulations] adopted pursuant thereto and
4 faithfully perform all obligations under their approved Reclamation Plan then this
5 obligation shall be null and void; otherwise to be and remain in full force and effect until
6 released by the Department of Environmental Quality in accordance with G.S. 74-56 or
7 canceled by the surety. Cancellation by the surety shall be effectuated only upon 60 days
8 written notice thereof to the Department of Environmental Quality and the operator as
9 provided in G.S. 74-54;

10 (G) Signature, [Name, Title and Attestation by Officer of the Principal;] name, title, and
11 attestation by officer of the Principal; and

12 (H) Notarization.

13 (2) Assignment of Savings Account:

14 (A) Name, [address] address, and type of business entity of Assignor exactly matching name
15 of Permittee;

16 (B) The State of North Carolina, Department of Environmental Quality, 1612 Mail Service
17 Center, Raleigh, North Carolina 27699-1612 as the Assignee;

18 (C) Name, [address] address, and account information for the bank holding assigned account;

19 (D) Sum of assigned amount required under this Rule;

20 (E) Statement that, in consideration of the promises contained in the agreement and the
21 Department accepting the assignment of the savings account in question, the Assignor sells,
22 assigns, [transfers] transfers, and sets over to the Department the sum in Part (j)(2)(D) of
23 this Rule and directly authorizes the bank holding the assigned account to pay over to the
24 Department the sum in Part (j)(2)(D) of this Rule upon request;

25 (F) Conditioned that if the Assignor conducts the mining operations faithfully, honestly, and
26 lawfully and in compliance with the requirements of the Mining Act of 1971 and applicable
27 rules [and regulations] adopted pursuant thereto, then the assignment shall be null and void;
28 otherwise it shall remain in full force and effect and that compliance with the requirement
29 of the Mining Act of 1971 and applicable rules [and regulations] shall be determined by
30 the Department;

31 (G) Specification that the assignment is made and held by the Department as collateral security
32 in lieu of a surety bond in accordance with ["The Mining Act of 1971" (G.S. 74-46 through
33 74-68)] The Mining Act of 1971, G.S. 74-46 through 74-68, to assure compliance and
34 reclamation of the permitted operation and for all direct or indirect liabilities of the assignor
35 Operator to the assignee Department that may arise by reason of the Mining Act 1971,
36 Article 7, Chapter 74 of the General Statutes of North Carolina;

37 (H) Signature, Name and Title of an officer of the Assignor;

- 1 (I) Notarization of the Assignor's signature;
- 2 (J) Signature, ~~[Name and Title]~~ name, and title of an officer of the bank holding the assigned
- 3 account acknowledging the assignment and committing that the funds assigned shall not
- 4 be disbursed except to the Department so long as the assignment remains in effect; and
- 5 (K) Notarization of the Bank's signature.
- 6 (3) Irrevocable Standby Letter of Credit (ILOC)
- 7 (A) Name, ~~[address]~~ address, and type of business entity of Operator exactly matching name
- 8 of Permittee;
- 9 (B) Name, ~~[address]~~ address, and type of business entity of Issuing Institution;
- 10 (C) The State of North Carolina, Department of Environmental Quality, ~~[Department of~~
- 11 Environmental Quality] 1612 Mail Service ~~[Center]~~ Center, Raleigh, North Carolina
- 12 27699-1612 as the Beneficiary;
- 13 (D) Effective Date of the ILOC;
- 14 (E) Automatic renewal clause, such that the ILOC is continuous in nature, subject to at least
- 15 60 days notice via certified mail, return receipt requested, to the Permittee and the
- 16 Department prior to nonrenewal;
- 17 (F) Sum of the ILOC required under this Rule;
- 18 (G) That the sum of the ILOC is available by the Department drafts on sight;
- 19 (H) Instructions for drafts by the Department;
- 20 (I) Non-transferability clause;
- 21 (J) Choice of Law provisions specifying North Carolina venue for all ~~[disputes]~~ disputes;
- 22 (K) Statement that the Issuing Institution agrees with the drawers, endorsers, and bona fide
- 23 holders that all drafts drawn under and in compliance with the terms of the ILOC will be
- 24 duly honored upon presentation to the Issuing ~~[Institution.]~~ Institution;
- 25 (L) Statement that the ILOC is being issued in lieu of a surety bond in accordance with ~~["The~~
- 26 Mining Act of 1971" (G.S. 74-46 through 74-68)] The Mining Act of 1971, G.S. 74-46
- 27 through 74-68, to assure compliance and reclamation of the permitted operation;
- 28 (M) Signature, ~~[Name and Title of an officer of the Issuing Institution;]~~ name, and title of an
- 29 officer of the Issuing Institution; and
- 30 (N) Notarization of the Issuing Institution officer's signature.
- 31 (4) Bank Guaranty
- 32 (A) Name, ~~[address]~~ address, and type of business entity of Operator exactly matching name
- 33 of Permittee;
- 34 (B) Name, ~~[address]~~ address, and type of business entity of Issuing Institution;
- 35 (C) The State of North Carolina, Department of Environmental Quality, ~~[Department of~~
- 36 Environmental Quality] 1612 Mail Service ~~[Center]~~ Center, Raleigh, North Carolina
- 37 27699-1612 as the Beneficiary;

- 1 (D) Effective Date of the guaranty;
2 (E) Automatic renewal clause, such that the guaranty is continuous in nature, subject to at least
3 60 days notice via certified mail, return receipt requested, to the Permittee and the
4 Department prior to nonrenewal;
5 (F) Sum of the guaranty required under this Rule;
6 (G) That the sum of the guaranty is available by the Department drafts on sight;
7 (H) Instructions for drafts by the Department;
8 (I) Non-transferability clause;
9 (J) Choice of Law provisions specifying North Carolina venue for all ~~[disputes]~~ disputes;
10 (K) Statement that the Issuing Institution agrees with the drawers, endorsers, and bona fide
11 holders that all drafts drawn under and in compliance with the terms of the guaranty will
12 be duly honored upon presentation to the Issuing ~~[Institution.]~~ Institution;
13 (L) Statement that the guaranty is being issued in lieu of a surety bond in accordance with
14 ["The Mining Act of 1971" (G.S. 74-46 through 74-68)] The Mining Act of 1971, G.S. 74-
15 46 through 74-68, to assure compliance and reclamation of the permitted operation;
16 (M) Signature, ~~[Name and Title]~~ name, and title of an officer of the Issuing Institution; and
17 (N) Notarization of the Issuing Institution officer's signature.
18 (5) Cash Deposit:
19 (A) Cash in the form of a cashiers or certified check in the sum required under this Rule; and
20 (B) Cover Letter specifically identifying Permittee and specifying the intended function of the
21 money to serve as the required bond amount under this ~~[Rule]~~ Rule.
22

23 *History Note:* Authority G.S. ~~7451; 7454; 74-51; 74-54;~~ 143B-290;
24 *Eff. February 1, 1976;*
25 *Amended Eff. January 1, 1994; April 1, 1990; November 1, 1985; November 1, 1984;*
26 *Readopted Eff. August 1, 2026.*
27

1 15A NCAC 05B .0104 IS READOPTED AS PUBLISHED IN 40:08 NCR 733 WITH CHANGES AS FOLLOWS:

2
3 **15A NCAC 05B .0104 INFORMATION REQUIRED IN PERMIT APPLICATION**

4 (a) The completed application for the mining permit shall include information concerning the mining operation and
5 a reclamation plan for the restoration of all affected land. Information required concerning the mining operation shall
6 include:

- 7 (1) materials to be mined;
- 8 (2) method of mining;
- 9 (3) expected depth of mine;
- 10 (4) size of the mine, including:
 - 11 (A) acreage for tailings ponds,
 - 12 (B) acreage for stockpiles,
 - 13 (C) acreage for waste piles,
 - 14 (D) acreage for processing plants,
 - 15 (E) acreage for mine excavation,
 - 16 (F) acreage for annual disturbance;
- 17 (5) anticipated effect on wildlife, freshwater, estuarine, or marine fisheries;
- 18 (6) ~~whether or not the mining operation will have a waste water wastewater discharge or air contaminant~~
19 ~~emission which that~~ will require a permit from the division of environmental management; Division
20 of Water Resources, an air contaminant emission that will require a permit from the Division of Air
21 Quality, or will have a stormwater discharge that will require a permit from the Division of Energy,
22 Mineral, and Land Resources;
- 23 (7) ~~method~~ methods to prevent physical hazard to any neighboring dwelling house, school, church,
24 hospital, commercial or industrial building, or public road if the mining excavation will come within
25 300 feet thereof;
- 26 (8) ~~measures to be taken required~~ to insure ensure against landslides and acid water pollution;
- 27 (9) ~~measures to be taken required~~ to minimize siltation of streams, lakes, or adjacent properties during
28 the mining operation;
- 29 (10) ~~measures to be taken required~~ to screen the mining operation from public view.
- 30 (11) name of mine and location;
- 31 (12) responsible officer contact information;
- 32 (13) site contact information; and
- 33 (14) statement of authority as provided in Paragraph (f) of this Rule, when necessary.

34 (b) Information required in the reclamation plan shall ~~include~~ include methods and construction details for:

- 35 (1) intended plan for overall mine reclamation, subsequent land use, and the ~~general~~ methods to be
36 used in reclaiming the affected land;
- 37 (2) intended practices ~~to be taken required~~ to protect adjacent surface resources;

- (3) intended methods to prevent or eliminate conditions hazardous to animal or fish life in or adjacent to the affected areas;
- (4) intended methods of rehabilitation of settling ponds;
- (5) intended methods of restoration or establishment of stream channels and stream beds to a condition minimizing erosion, ~~siltation~~ siltation, and other pollution;
- (6) intended measures to stabilize slopes;
- (7) intended measures to provide for safety to persons and adjoining property in excavation in rock;
- (8) intended measures of disposal of mining refuse and control of contaminants;
- (9) provisions to prevent collection of noxious, ~~odious~~ odious, or foul water in mined areas; ~~and~~
- (10) plan for revegetation and reforestation or other surface treatment of the affected areas which ~~plan~~ shall ~~must~~ be approved in writing by one of the following prior to submission of the application:
- (A) Authorized ~~representatives~~ representative of the local soil and water conservation district having jurisdiction over lands in question;
- (B) Authorized ~~representatives~~ representative of the ~~division of forest resources, Department of Environment, Health, and Natural Resources; North Carolina Forest Service within the Department of Agriculture and Consumer Services;~~
- (C) North Carolina Cooperative Extension County agricultural extension chairmen, County Director ~~[in a county listed]~~ in the [county(s)] counties where the site is located or research and extension personnel headquartered at North Carolina State University in the ~~school of agriculture and life sciences~~ School of Agriculture and Life Sciences;
- (D) North Carolina licensed ~~landscape architects;~~ Landscape Architect pursuant to G.S. 89A;
- (E) North Carolina licensed Professional Engineer pursuant to [G.S. 89C]; G.S. 89C;
- ~~(E)(F)~~ Private consulting ~~foresters~~ forester referred by the ~~division of forest resources, Department of Environment, Health, and Natural Resources; North Carolina Forest Service within the Department of Agriculture and Consumer Services; or~~
- ~~(F)(G)~~ Others as may be approved by the ~~department;~~ Department; Provided that areas expected to be in use beyond the maximum permissible permit period, such as processing plants or stockpiles, do not require a specific revegetation plan;
- (11) In lieu of the written approval required by Subparagraph (10) of this [Paragraph] Paragraph, a plan for revegetation and reforestation developed utilizing one of the following:
- (A) North Carolina Erosion and Sedimentation Control Planning and Design Manual, [Manual;] including subsequent amendments and editions. The manual may be obtained free of charge at <https://www.deq.nc.gov/energy-mineral-and-land-resources/erosion-and-sediment-control/esc-design-manual/erosion-sediment-control-design-manual-rev-jan-2026/open>; or
- (B) North Carolina Surface Mining Manual: A Guide for Permitting, Operation and Reclamation, [Reclamation;] including subsequent amendments and editions. The manual

may be obtained free of charge at <https://www.deq.nc.gov/documents/files/nc-surface-mining-manual/download>; and

(11)(12) time schedule of reclamation that provides that reclamation activities be conducted simultaneously with mining operations whenever feasible and in any event be initiated at the earliest practicable time after completion or termination of mining on any segment and completed within two years. years unless a longer period is specifically permitted by the Department.

(c) An application shall include ~~In addition to the form, the operator shall also submit two copies of a county map showing the mine location and two copies a copy~~ of a mine map. Mine maps shall be consistent with the reclamation plan and shall ~~should~~ be accurate drawings, aerial ~~photographs~~ photographs, or enlarged topographic maps of the mine area and ~~must clearly~~ shall show the following:

- (1) property lines or affected area of mining operation;
- (2) outline of pits;
- (3) outline of stockpile areas;
- (4) outline of overburden disposal areas;
- (5) location of processing plants ~~[(Processing plants] may be described as to location and distance from mine if sufficiently far removed.); the mine if not contiguous to the mine [property-];~~ property;
- (6) location and name of streams and lakes;
- (7) outline of settling ponds;
- (8) location of access roads;
- (9) mine permit boundaries;
- (10) existing and proposed contours showing all drainage areas;

~~(9)(11)~~ map legend; legend, including:

- (A) name of company,
- (B) name of mine,
- (C) north arrow,
- (D) county,
- (E) scale,
- (F) date prepared,
- (G) name and title of person preparing map; and

~~(10)(12)~~ names of owners of record, both public and private, of all adjoining ~~land,~~ land as is specified in G.S. 74-50:

(13) any unrelated use area, that has the potential to disturb the soil surface, that does not meet the definition of mining within the permit boundaries;

(14) vicinity map showing the mining operation in relation to the general area at a minimum scale of 1:24,000;

(15) drawings showing typical sections or cross sections and layout of proposed reclamation where such drawings will assist in describing reclamation;

1 (16) approximate limits of future reserves not included in affected area;

2 (17) intended reclamation for projected phases or segments when reclamation is accomplished
3 concurrently with mining.

4 ~~The mine maps should be correlated with the reclamation plan. The approximate areas to be mined during the life of~~
5 ~~the permit should be clearly marked.~~

6 ~~If reclamation is to be accomplished concurrently with mining, then show segments that are to be mined and reclaimed~~
7 ~~during each year of the permit.~~

8 ~~Add drawings showing typical sections or cross sections and layout of proposed reclamation where such drawings~~
9 ~~will assist in describing reclamation.~~

10 (d) An application for a mining permit shall include:

11 (1) The ~~name~~ names and ~~address~~ addresses of all known owners, both private and public of all land
12 adjoining the proposed mining site as is specified in G.S. 74-50 and as determined by a diligent
13 search of the tax records or other sources of information approved in advance by the Department
14 ~~about property ownership in a manner reasonable calculated to identify that identifies~~ the owners of
15 all adjoining ~~land, land and approved by the department~~ [Department.] The proposed mining site
16 means all land to be included within the proposed permitted area;

17 (2) The ~~name~~ names and addresses of the county, [city] city, and town managers, who serve as the chief
18 administrative ~~officer~~ officers, of the county or municipality of the local governments in which any
19 part of the proposed mining site is ~~located together with the officer's mailing address; located; and~~

20 (3) Pursuant to G.S. 74-50, Proof ~~proof~~ satisfactory to the department ~~Department~~ that the applicant has
21 made ~~a reasonable~~ the required effort to notify all owners of record of all adjoining land and the
22 county, city, and town mangers, who serve as the chief administrative ~~officer~~ officers, of the county
23 ~~or [and] municipality of the local governments in which any part of the proposed mining site is~~
24 located of the pending application. Proof ~~satisfactory to the department~~ Department shall include
25 an affidavit by the applicant ~~that he has caused~~ stating that a notice of the pending application ~~to be~~
26 has been sent by certified or registered mail to all known adjoining owners and to the chief
27 administrative ~~officer~~ officers of the county or municipality. Other means of notice shall be
28 satisfactory if approved in advance by the ~~department.~~ Department.

29 (4) A copy of the recorded right of entry agreement that runs with the land, is binding on landowners,
30 [lessees] lessees, and [permittees] permittees, and extinguishes permit release, providing that the
31 landowner may not interfere with the permittee's obligations or the Department's ability to perform
32 [reclamation.] reclamation; and

33 (5) Any application submitted to the Department for approval of mining activities pursuant to G.S. 74-
34 50 shall include proof of ownership or the portion of valid and unexpired Memorandum Of Lease
35 or option from the property owner allowing mining activities for all lands to be included in the
36 permitted area as defined in G.S. 74-50(b)(3).

1 (e) An application for a mining permit shall not be deemed filed pursuant to G.S. 74-51(b) until the nonrefundable
2 permit application processing fee required pursuant to G.S. 74-54.1 is received by the Department. If the necessary
3 fee is not received within 30 days of initial receipt of the application, the application shall be denied and required to
4 be resubmitted in its entirety.

5 (f) Permit applications shall be signed as follows:

6 (1) in the case of corporations, by a principal executive officer of at least the level of vice-president, or
7 their authorized representative;

8 (2) in the case of a partnership or limited partnership, by a general partner;

9 (3) in the case of a sole proprietorship, by the proprietor;

10 (4) in the case of a municipal, ~~state~~ state, or other public entity by either a principal executive officer,
11 ranking ~~official~~ official, or other duly authorized ~~employee~~ employee;

12 (5) in the case of a limited liability company, by a managing member. ~~The signature of the consulting~~
13 ~~engineer or other agent shall be accepted on the application only if accompanied by a letter of~~
14 ~~authorization from one of the individuals listed in Subparagraphs (1) through (5) of this Paragraph.]~~

15 (6) ~~The signature of the consulting engineer or other agent shall be accepted on the application only if~~
16 ~~accompanied by a letter of authorization from one of the individuals listed in Subparagraphs (1)~~
17 ~~through (5) of this Paragraph.~~

18
19 History Note: Authority G.S. 74-63; 74-51; 74-53; ~~74-56~~ 74-56;

20 Eff. February 1, 1976;

21 Amended Eff. April 1, 1990; May 1, 1982; September 1, 1979; January 31, 1979;

22 Readopted Eff. August 1, 2026.
23

1 15A NCAC 05B .0113 IS READOPTED AS PUBLISHED IN 40:08 NCR 733 WITH CHANGES AS FOLLOWS:

2
3 **15A NCAC 05B .0113 RESPONSE DEADLINE TO DEPARTMENT'S REQUEST(S)**

4 An applicant or permittee shall submit to the Department supplemental information regarding an application for a new
5 ~~permit [or] permit, modified, permit, or permit renewal~~ permit modification, or permit transfer within 180 days after
6 the date of receipt of the Department's written ~~request(s)~~ request for such information. Upon written request of the
7 applicant or permittee to the Director, an additional ~~reasonable~~ specified period of time not to exceed one year ~~shall~~
8 may be granted ~~upon determination of good cause~~ by the Director. ~~Additional time may be granted by the Mining~~
9 ~~and Energy Commission, provided written request is made by the applicant or permittee before the expiration of the~~
10 ~~one year period.~~

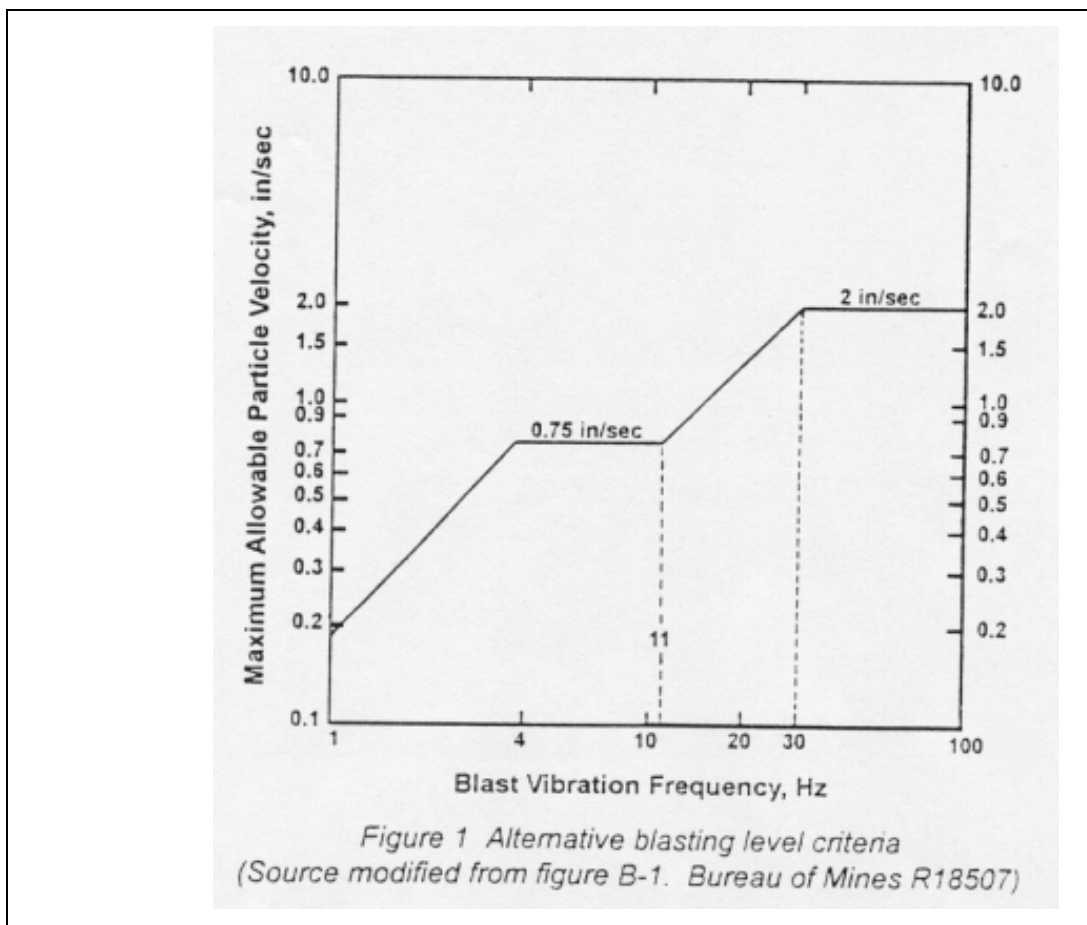
11
12 *History Note:* Authority G.S. 74-51; ~~74-52; 74-63; 143B-290; 74-52; 74-63; 143B-290~~ *Note:*
13 *RRC Objection Eff. September 15, 1994 due to lack of statutory authority;*
14 *Eff. November 1, 1994;*
15 *Amended Eff. August 1, 2012 (see S.L. 2012-143, s.1.(d));*
16 *Readopted Eff. August 1, 2026.*
17

1 15A NCAC 05B .0114 IS ADOPTED AS PUBLISHED IN 40:08 NCR 733 WITH CHANGES AS FOLLOWS:

2
3 **15A NCAC 05B .0114 BLASTING**

4 (a) At any site where blasting occurs, the operator shall monitor each blast with a seismograph located at a distance
5 no farther than the closest off site regularly occupied structure not owned or leased by the operator. A seismographic
6 record including peak particle velocity, air overpressure, and vibration frequency levels shall be kept for each blast,
7 except as provided in Paragraphs (c) and (e) of this Rule.

8 (b) In all blasting operations, the maximum peak particle velocity of any component of ground motion shall not exceed
9 the alternative ground vibration limits in this Paragraph at the nearest regularly occupied ~~building structure not owned~~
10 ~~or leased by the operator~~ outside of the permitted area such as a dwelling house, church, school, or public, commercial,
11 or institutional building.



12
13 (c) In the event of seismograph malfunction or other condition that prevents monitoring, blasting shall be conducted
14 in accordance with the following scaled distance formulas:

15 Formula from ISEE Blasters Handbook 17th Edition ISBN:1-892396-00-9

16
$$W = \left(\frac{D}{Ds}\right)^2$$

$$Ds = \frac{D}{\sqrt{W}}$$

$$V = 160(Ds)^{-1.6}$$

W = Maximum charge weight of explosives per delay period of 8 milliseconds or more (pounds).

D = Distance from the blast site to the nearest ~~inhabited building~~ regularly occupied structure not owned or leased by the mine operator. (feet).

Ds = Scaled distance factor.

V = Peak Particle Velocity (inches per second).

The peak particle velocity of any component shall not exceed 1.0 inch per second, for the purposes of this Paragraph.

(d) Air blast overpressure resulting from surface blasting shall not exceed 129 decibels linear (dBL) as measured at the nearest regularly occupied ~~building structure~~ not owned or leased by the operator outside of the permitted area such as a dwelling house, church, school, or public, commercial, or institutional building, unless an alternate level is being used based on the sensitivity of the seismograph microphone as specified in this Paragraph of this Rule:

Lower Frequency Limit of Measuring System (Hz)	Max Level (dBL)
0.1 Hz or lower-flat response	134 peak
2.0 Hz or lower-flat response	133 peak
6.0 Hz or lower-flat response	129 peak

(e) In the event of seismograph malfunction or other condition that prevents monitoring, air blast overpressure shall be calculated utilizing ~~blasting shall be conducted in accordance with~~ the following formulas:

Formula from ISEE Blasters ~~Handbook 17th~~ Handbook 17th Edition ISBN:1-892396-00-9

$$P = 1.0 \left(\frac{D}{\sqrt[3]{W}} \right)^{-1.1}$$

$$dB = 20 \log \left(\frac{P}{2.9 \times 10^{-9}} \right)$$

P = ~~Airblast~~ Air blast overpressure average burial (pounds per square inch).

W = Maximum charge weight of explosives per delay period of 8 milliseconds or more (pounds).

D = Distance from the blast site to the nearest ~~inhabited building~~ regularly occupied structure not owned or leased by the mine operator (feet).

dB = ~~Airblast~~ Air blast overpressure average burial (decibels).

A = Air blast ~~or air~~ overpressure for typical quarry situations (decibels).

The ~~air blast/overpressure~~ air blast overpressure shall not exceed 129 decibels, for the purposes of this Paragraph.

(f) For the purposes of calculating Scale Distance, when using electronic detonators, the maximum charge weight of explosives per delay shall be calculated using actual delay of separation, with a minimum delay of 1 milliseconds. When using non-electric detonators, the maximum charge weight shall be calculated on a delay of 8 milliseconds.

1 (g) The operator shall maintain records on each individual blast describing:

- 2 (1) name of ~~Company~~ company or contractor;
- 3 (2) date, and time of the blast;
- 4 (3) type of material blasted;
- 5 (4) the total number of holes;
- 6 (5) pattern of holes and delay of intervals;
- 7 (6) depth and size of holes;
- 8 (7) type and total pounds of explosives;
- 9 (8) maximum pounds per 8ms delay interval;
- 10 (9) amount of stemming and burden for each hole;
- 11 (10) blast location;
- 12 (11) distance from blast to closest offsite regularly occupied structure;
- 13 (12) weather conditions at the time of the blast; and
- 14 (13) ~~Whether~~ whether mats or other protections were used.

15 Records shall be maintained at the permittee's mine office and copies shall be provided to the Department upon request.

16 (h) The operator shall take ~~all reasonable~~ precautions to ensure that flyrock is not thrown beyond areas where access
17 is temporarily or permanently guarded by the operator.

18 (i) The operator shall provide to the Department a copy of the findings of the seismic studies conducted at the mine
19 site by the permittee or their representative in response to an exceedance of a level allowed by ~~these blasting~~
20 ~~conditions.~~ the blasting conditions set forth in this Rule. The operator shall evaluate ~~make an effort to incorporate~~ the
21 studies' recommendations for inclusion into the production blasting program. ~~program to prevent future exceedances~~
22 of the level allowed by these blasting conditions.

23
24 *History Note: Authority G.S. 74-51; 74-63;*

25 *Eff. August 1, 2026.*

1 15A NCAC 05B .0115 IS ADOPTED WITH CHANGES AS PUBLISHED IN 40:08 NCR 733 AS FOLLOWS:

2
3 **15A NCAC 05B .0115 MINING PERMIT TRANSFERS**

4 (a) Pursuant to G.S. 74-51(i), a permit may be transferred from one operator to another, if both operators have complied
5 with the requirements of ~~the Act.~~ The Mining Act of 1971. The sale or lease of the operation alone ~~does not~~ shall not
6 constitute an approved transfer of the permit. Until a permit has been transferred by the Department to the successor
7 operator, the existing operator shall be held responsible for any activities at the site, including liability for any
8 documented violations at the site. Liability shall remain with the existing operator until such violations have been
9 addressed to the satisfaction of the Department and the Department has transferred the permit in its entirety to the
10 successor operator.

11 (b) A valid permit may be transferred from one operator to another provided the following information has been
12 submitted on a form furnished by the Department:

13 (1) A signed statement from the existing operator requesting that the permit be transferred to the successor
14 operator. The existing mine name and permit number shall be identified in the statement.

15 (2) A non-refundable permit transfer processing fee pursuant to G.S. 74-54.1(a).

16 (3) A signed statement from the successor operator identifying the existing mine name and permit number,
17 requesting that the permit be transferred in its entirety, and accepting all responsibilities and liabilities for
18 the site with respect to ~~the Article.~~ Article 7.

19 (4) A mine map showing the successor operator's name and contact information, current mining permit
20 boundary, acreage table, and reference to current permit number and conditions.

21 (5) The information required in Rule .0104(a)(1) through (a)(4) and (a)(12) through (a)(14) ~~(15)~~ of this
22 ~~Section~~ Section.

23 (6) A copy of the recorded right of entry agreement that runs with the land, is binding on landowners, ~~lessees~~
24 lessees, and ~~permittees~~ permittees, and extinguishes permit release, providing that the landowner may not
25 interfere with the permittee's obligations or the Department's ability to perform reclamation.

26 (7) An acceptable security in the amount determined in Rule .0103 of this Section and using the forms
27 established in Rule .0103 of this Section covering the site. The security shall be issued in the same
28 successor operator name used in the permit transfer application.

29 (c) The permit transfer application shall be submitted to the Department no later than 60 days from the execution of
30 any purchase or lease agreement associated with a change in the responsibility for operation of the permitted site.

31 (d) Any pit expansion or other land disturbing activity anticipated within the permitted area not previously approved
32 by the Department shall require a permit modification. Expansion of permit boundaries to include additional land
33 under the permit shall require a permit modification.

34 (e) Upon approval of the permit transfer, responsibility for the full extent of the existing permitted area shall be
35 transferred to the successor operator unless the Department has authorized the release of a portion of the permitted
36 area from reclamation liability.

1 (f) Upon approval of the permit transfer, the Department shall send the new permit document to the successor operator.
2 Such permit may include updated operating and reclamation conditions to ensure compliance with ~~the Article.~~ Article
3 7.

4 (g) The prior operator shall be notified by the Department of the completed permit transfer and that the prior operator
5 has been released from further liability with respect to the permit for the site. The security posted by the prior operator
6 to cover reclamation obligations at the site shall be returned by the Department to the prior operator provided the
7 security is no longer needed to cover other permitted sites under the prior operator's name.

8 (h) Permit transfers due to corporate name changes shall comply with Rule .0116 of this Section.

9
10 *History Note: Authority G.S. 74-51; 74-54.1; 74-63;*
11 *Eff. August 1, 2026.*
12
13

1 15A NCAC 05F .0101 IS READOPTED AS PUBLISHED IN 40:08 NCR 733 AS FOLLOWS:

2
3 **15A NCAC 05F .0101 PURPOSE AND SCOPE**

4 These rules set forth the procedures and standards to be followed by the ~~director~~ Director in assessing civil penalties.
5 ~~Penalties and by the Mining and Energy Commission in hearing appeals from the assessment of such penalties.~~

6
7 *History Note: Authority G.S. 74-61; ~~74-62~~; 74-63; 74-64; 143B-10;*

8 *Eff. May 1, 1982;*

9 *Amended Eff. August 1, 2012 (see S.L. 2012-143, s.1.(d)); November 1, 1984;*

10 *Readopted Eff. August 1, 2026.*

Burgos, Alexander N

Subject: FW: [External] Proposed Mining Rules Reduce Oversight and Endanger the Environment!

From: Everett, Jennifer <jennifer.everett@deq.nc.gov>

Sent: Tuesday, July 21, 2026 4:10 PM

To: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Miller, Christopher S <christopher.miller@oah.nc.gov>

Subject: RE: [External] Proposed Mining Rules Reduce Oversight and Endanger the Environment!

Ah! Ok, thanks!

Jennifer Everett
DEQ Rulemaking Coordinator
N.C. Depart. Of Environmental Quality
Office of General Counsel
1601 Mail Service Center
Raleigh, NC 27699-1601
Tele: (919)-707-8595
<https://www.deq.nc.gov/accessdeq/rules-regulations>

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties.

From: Burgos, Alexander N <alexander.burgos@oah.nc.gov>

Sent: Tuesday, July 21, 2026 4:07 PM

To: Everett, Jennifer <jennifer.everett@deq.nc.gov>; Miller, Christopher S <christopher.miller@oah.nc.gov>

Subject: RE: [External] Proposed Mining Rules Reduce Oversight and Endanger the Environment!

Hi Jennifer, we did receive them. They will be posted to the agenda soon.

Alexander Burgos

Paralegal
Office of Administrative Hearings
1711 New Hope Church Road
Raleigh NC, 27609
(984) 236-1940
Alexander.burgos@oah.nc.gov

From: Everett, Jennifer <jennifer.everett@deq.nc.gov>

Sent: Tuesday, July 21, 2026 3:56 PM

To: Miller, Christopher S <christopher.miller@oah.nc.gov>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>

Subject: FW: [External] Proposed Mining Rules Reduce Oversight and Endanger the Environment!

Hi – just checking. You all are receiving all these objections letters regarding the Mining rules, right?
Thanks.

Jennifer Everett
DEQ Rulemaking Coordinator
N.C. Depart. Of Environmental Quality
Office of General Counsel
1601 Mail Service Center
Raleigh, NC 27699-1601
Tele: (919)-707-8595
<https://www.deq.nc.gov/accessdeq/rules-regulations>

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Burgos, Alexander N

Subject: FW: [External] Re: NC Mining Commission - Rules for July 2026 RRC Meeting
Attachments: Request for Changes - Mining Commission Responses 07.21.2026 .docx; 15A NCAC 05A .0101.docx; 15A NCAC 05A .0202.docx; 15A NCAC 05B .0103.docx; 15A NCAC 05B .0104.docx; 15A NCAC 05B .0105.docx; 15A NCAC 05B .0106.docx; 15A NCAC 05B .0110.docx; 15A NCAC 05B .0111.docx; 15A NCAC 05B .0112.docx; 15A NCAC 05B .0113.docx; 15A NCAC 05B .0114.docx; 15A NCAC 05B .0115.docx; 15A NCAC 05B .0116.docx; 15A NCAC 05B .0117.docx; 15A NCAC 05F .0101.docx; 15A NCAC 05F .0103.docx; 15A NCAC 05F .0105.docx; 15A NCAC 05F .0106.docx; 15A NCAC 05F .0111.docx; 15A NCAC 05F .0112.docx; 15A NCAC 05G .0103.docx; 15A NCAC 05G .0104.docx; 15A NCAC 05G .0105.docx; Form 0400 Submission for Permanent Rule - 05A .0101.pdf; Form 0400 Submission for Permanent Rule - 05A .0202.pdf; Form 0400 Submission for Permanent Rule - 05B .0103.pdf; Form 0400 Submission for Permanent Rule - 05B .0104.pdf; Form 0400 Submission for Permanent Rule - 05B .0105.pdf; Form 0400 Submission for Permanent Rule - 05B .0106.pdf; Form 0400 Submission for Permanent Rule - 05B .0110.pdf; Form 0400 Submission for Permanent Rule - 05B .0111.pdf; Form 0400 Submission for Permanent Rule - 05B .0112.pdf; Form 0400 Submission for Permanent Rule - 05B .0113.pdf; Form 0400 Submission for Permanent Rule - 05B .0114.pdf; Form 0400 Submission for Permanent Rule - 05B .0115.pdf; Form 0400 Submission for Permanent Rule - 05B .0116.pdf; Form 0400 Submission for Permanent Rule - 05B .0117.pdf; Form 0400 Submission for Permanent Rule - 05F .0101.pdf; Form 0400 Submission for Permanent Rule - 05F .0103.pdf; Form 0400 Submission for Permanent Rule - 05F .0105.pdf; Form 0400 Submission for Permanent Rule - 05F .0106.pdf; Form 0400 Submission for Permanent Rule - 05F .0111.pdf; Form 0400 Submission for Permanent Rule - 05F .0112.pdf; Form 0400 Submission for Permanent Rule - 05G .0103.pdf; Form 0400 Submission for Permanent Rule - 05G .0104.pdf; Form 0400 Submission for Permanent Rule - 05G .0105.pdf

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

Sent: Tuesday, July 21, 2026 2:01 PM

To: Miller, Christopher S <christopher.miller@oah.nc.gov>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Everett, Jennifer <jennifer.everett@deq.nc.gov>; Parr, Adam <adam.parr@deq.nc.gov>; Young, Elizabeth S <esyounge@ncdoj.gov>

Subject: [External] Re: NC Mining Commission - Rules for July 2026 RRC Meeting

Some people who received this message don't often get email from vunnone@ncdoj.gov. [Learn why this is important](#)

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Hi Chris,

Please see attached Responses to your Request for Changes to the Mining Commission rules, along with the updated rules and forms.

Additionally, I know there was a question about 15A NCAC 05F .0108 . That rule was intentionally not included in the Mining Commission's readoption, and the Commission will not be submitting the rule at a later time. The

Commission understands that, pursuant to GS 150B-21.3A(b), the rule will expire on August 1, 2026, the deadline for readoption established pursuant to GS 150B-21.3A(d).

Please let me know if you have any questions or need any additional information.

Best,
Victor



Victor A. Unnone III

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

IMPORTANT: This e-mail message is intended solely for the individual or individuals to whom it is addressed. It may contain confidential attorney-client privileged information and attorney work product. If the reader of this message is not the intended recipient, you are requested not to read, copy or distribute it or any of the information it contains. Please delete the message immediately and notify the Attorney General's Office by return e-mail or by telephone (919) 716-6600. Any information not protected by attorney-client privilege may be subject to North Carolina Public Records Act requests (N.C. Gen. Stat. § 132.1 et seq.)

Request for Changes Pursuant to N.C. Gen. Stat. § 150B-21.10

Staff reviewed these Rules to ensure that each Rule is within the agency's statutory authority, reasonably necessary, clear, and unambiguous, and adopted in accordance with Part 2 of the North Carolina Administrative Procedure Act. Following review, staff has issued this document that may request changes pursuant to G.S. 150B-21.10 from your agency or ask clarifying questions.

Questions contained herein suggest that the rule as written is unclear or there is some ambiguity. If this document includes questions and you do not understand the question, please contact the reviewing attorney to discuss. Failure to respond may result in a staff opinion recommending objection.

Staff may suggest the agency "consider" an idea or language in this document. This is in no way a formal request that the agency adopt the idea or language but rather is offered merely for the agency's consideration which the agency may find preferable and clarifying.

To properly submit rewritten rules, please refer to the following Rules in the NC Administrative Code:

- Rule 26 NCAC 02C .0108 – The Rule addresses general formatting.
- Rule 26 NCAC 02C .0404 – The Rule addresses changing the introductory statement.
- Rule 26 NCAC 02C .0405 – The Rule addresses properly formatting changes made after publication in the NC Register.

Note the following general instructions:

1. You must submit the revised rule via email to oah.rules@oah.nc.gov and copy RRC Counsel. The electronic copy must be saved as the official rule name (XX NCAC XXXX).
2. For rules longer than one page, insert a page number.
3. Use line numbers; if the rule spans more than one page, have the line numbers reset at one for each page.
4. Do not use track changes. Make all changes using manual strikethroughs, underlines and highlighting.
5. You cannot change just one part of a word. For example:
 - Wrong: "aAssociation"
 - Right: "~~association~~ Association"
6. Treat punctuation as part of a word. For example:
 - Wrong: "day;;and"
 - Right: "~~day;~~ day;and"
7. Formatting instructions and examples may be found at:
www.ncoah.com/rules/examples.html

If you have any questions regarding proper formatting of edits after reviewing the rules and examples, please contact the reviewing attorney.

Christopher S. Miller
Commission Counsel
Date submitted to agency: July 09, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Mining Commission

RULE CITATION: 15A NCAC 05A .0101

DEADLINE FOR RECEIPT: July 20, 2026

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

General Formatting: Please remove the underline and italics from the line numbers on the left-hand side of the page.

Response: The language has been revised as suggested.

Line 5: The comma after "Environment, Health, and Natural Resources" should also be in strikethrough.

Response: The language has been revised as suggested.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Mining Commission

RULE CITATION: 15A NCAC 05A .0202

DEADLINE FOR RECEIPT: July 20, 2026

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

(a), line 6: If it is not defined elsewhere in your rules, you should include a legal citation following “the Mining Act of 1971”.

Response: Added “as set forth in Article 7, Chapter 74 of the General Statutes.”

(a)(1-5): Is the list here meant to be exhaustive? You state “shall have the following powers” on line 5 and then “including” on line 6, which makes it slightly confusing.

Response: This list is not meant to be exhaustive. As per the examples in the 2021 Administrative Rule Style Guide, Section 14.1, this section omits the word “only” and utilizes the work “including”.

(a)(1): The comma after “renewal” should also be in strikethrough.

Response: The language has been revised as suggested.

(a)(4): Add a comma after “setting of hearings”.

Response: The language has been revised as suggested.

(b), lines 15 and 16: If it is not defined elsewhere in your rules, you should include a legal citation following “the Control of Exploration for Uranium in North Carolina Act of 1983”.

Response: Added “as set forth in Article 8, Chapter 74 of the General Statutes.”

(b)(1-5): Is the list here meant to be exhaustive? You state “shall have the following powers” on line 14 and then “including” on line 16, which makes it slightly confusing.

Response: This list is not meant to be exhaustive. As per the examples in the 2021 Administrative Rule Style Guide, Section 14.1, this section omits the word “only” and utilizes the work “including”.

(c), line 23: Add a comma after “05F”.

Response: The language has been revised as suggested.

Christopher S. Miller
Commission Counsel

Date submitted to agency: July 09, 2026

(c)(1), line 25: “Change” does not need to be capitalized.

Response: The language has been revised as suggested.

(c)(1), line 26: Move the comma after “including” so that it follows “to correct errors”. It should read as, “... to correct errors, including grammatical errors, ...”.

Response: The language has been revised as suggested.

(c)(2), line 28: Add a comma after “G.S. 74-49(1)”.

Response: The language has been revised as suggested.

(c)(2), line 29: What definition of “mining”? The one set forth in G.S. 74-49(7)? If so, please include a reference here for clarity.

Response: Updated 15A NCAC 05A .0202(c) to reference the definitions found in Article 7, Chapter 74 of the General Statutes.

(c)(3), line 33: Please change “USC” to “U.S.C.”.

Response: The language has been revised as suggested.

(c)(3), line 33: Add a comma after “42 U.S.C. 9601(33)”.

Response: The language has been revised as suggested.

(c)(4), line 1: Add a comma after “Mineral”.

Response: The language has been revised as suggested.

(c)(4), line 2: Change “their” to “his or her”.

Response: The language has been revised as suggested.

(c)(5): Add “of the Department of Environmental Quality” for clarity.

Response: The language has been revised as suggested.

(c)(6), line 5: Delete the extra space after “occur”.

Response: The language has been revised as suggested.

(c)(6), line 6: Remove the comma after “business day”. It is not needed.

Response: The language has been revised as suggested.

(c)(7): “Buffer” does not need to be capitalized.

Response: The language has been revised as suggested.

(c)(7), line 8: What is an “area of special concern”? Consider defining this or explaining.

Response: An area of special concern is any area that may need additional spatial protections, such as a church, school, stream, wetland, cemetery, etc.

(c)(7)(A), line 10: Add a comma after “berms”.

Response: The language has been revised as suggested.

(c)(7)(B): I’m not sure that this definition is clear. Consider refining this. What is meant by a “disturbance”?

Christopher S. Miller
Commission Counsel

Date submitted to agency: July 09, 2026

Response: The word “disturbance” retains its commonly understood meaning. See, e.g., Disturbance, *Merriam-Webster’s Online Dictionary*, <https://www.merriam-webster.com/simple/disturbance> (defining disturbance as “a change in the position, arrangement, or order of something”). As per the structure of the Rule as written, an undisturbed buffer means that no changes to the area in question shall occur (i.e., no road construction). This is in contrast to an unexcavated buffer, where activities and changes may occur to the area in question, like road-construction, but mining excavation is disallowed.

(c)(7)(C): “Buffer” does not need to be capitalized.

Response: The language has been revised as suggested.

(c)(8), line 15: Change “Non-public roads” to “Non-public road”.

Response: The language has been revised as suggested.

(c)(8), line 15: Should “had” be changed to “has”?

Response: The language has been revised as suggested.

(c)(10), line 20: “Construction” does not need to be capitalized.

Response: The language has been revised as suggested.

(c)(10), line 21: Delete the comma after “erect”.

Response: The language has been revised as suggested.

(c)(10), line 22: “time limited” should be hyphenated.

Response: The language has been revised as suggested.

(c)(11), line 23: “Material” does not need to be capitalized.

Response: The language has been revised as suggested.

(c)(11), line 24: Should “onsite” be hyphenated here, like how it is used in (c)(10)?

Response: The language has been revised as suggested.

History Note, Authority: Consider adding G.S. 74-63 and 74-86.

Response: G.S. 74-63 and 74-86 have been added as suggested.

History Note, Authority, lines 26 and 27: Per OAH’s Style Guide, you should avoid citing to broad ranges of statutes in the History Note when possible. Are all of these statutes relevant authority to this rule? Please confirm. Also, please correct the inconsistent use of dashes here.

Response: Because this is a definitions rule, numerous statutes in the Mining Act provide authority for the definitions. The Mining Commission has confirmed that all the statutes are relevant authority to the rule and corrected the dashes as suggested.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Christopher S. Miller
Commission Counsel

Date submitted to agency: July 09, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Mining Commission

RULE CITATION: 15A NCAC 05B .0103

DEADLINE FOR RECEIPT: July 20, 2026

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Fiscal Impact: You checked the box on Form 0400 for “substantial economic impact” of \$1,000,000+. Please confirm whether you have complied with the requirements set forth in the REINS Act when adopting this rule.

Response: Yes, the Commission complied with the REINS Act as the rules were approved by a unanimous vote of the commissioners.

(a), line 4: Consider re-writing to, “After an application for a new mining permit, permit modification, or permit transfer is approved ...”.

Response: The language has been revised as suggested.

*(c): How is this different than the language used at the end of (b)? Is this a different process? If so, make this clear in your rule. Is (c) for **initial** bond determinations while (b) is only for appeals of bond determinations?*

Response: Added “initial” to 15A NCAC 05B .0103(c) for clarity.

(d), lines 22-25: Does the Department set and approve the amount of such “substitute” bonds? As written, the rule is not clear. It seems as if the applicant makes this determination on their own.

Response: As per 74-54(b), bond amounts exclude “any area where reclamation has been completed and released from coverage by the Department.” This revised amount is included in the notice from the Department to the Permittee when a partial release occurs. Added “determined by the Department in accordance with this Rule” to clarify that the Department sets the substitute bond amount pursuant to the calculations established in Rule.

(e), line 27: Move “to be affected” to follow directly after “land”.

Response: The language has been revised as suggested.

(e), line 31: Add a comma after “transferred”.

Christopher S. Miller
Commission Counsel

Date submitted to agency: July 09, 2026

Response: The language has been revised as suggested.

(e)(1): I would suggest adding a title for each of the two tables listed here. I think this would improve clarity.

Response: Title added as suggested.

(e)(1), table 2: Are the “types” of lands listed in row 1 defined or explained anywhere in your rules or elsewhere?

Response: “Type” refers to the Commodity Codes listed in column 1 and are defined in Table 1, not the column headings in the remainder of row 1.

(e)(2) and (3): Capitalize the first word in these sentences.

Response: The language has been revised as suggested.

(e)(2): Is this two percent annual increase compounded? The rule should specify.

Response: This is simple interest calculated on a yearly basis.

(e)(2), lines 4 and 5: You state both “per year” and “on an annual basis” here. This is redundant. Remove one.

Response: To clarify, (e)(2) is specifically stating that the 2% increase is calculated per year as simple interest and the calculation occurs every year on July 1.

(g)(2), line 4: Change the comma to a period at the end of this.

Response: The language has been revised as suggested.

(h), line 14: Add a comma after “G.S. 74-51(h)”.

Response: The language has been revised as suggested.

(h), line 16: Add a comma after “60 days”.

Response: The language has been revised as suggested.

(i), line 17: Add a comma after “G.S. 74-51(d)(1)”.

Response: The language has been revised as suggested.

(i), line 17: Why do you use “security” here when “bond” is used everywhere else in the Rule up to this point?

Response: Changed to “bond” for consistency as suggested.

(j)(1)(A): Add a comma after “address”.

Response: The language has been revised as suggested.

(j)(1)(B), lines 22 and 23: Add a comma after “Quality” and after “Center”.

Response: The language has been revised as suggested.

(j)(1)(F): Remove the quotation marks from the name of the Act, add a comma after “1971”, and remove the parenthesis from “G.S. 74-46 through 74-68”.

Response: The language has been revised as suggested.

(j)(1)(F), line 32: Remove “and regulations”. Rules are state rules. Regulations refer to federal regulations.

Response: The language has been revised as suggested.

(j)(1)(G): Only “Signature” should be capitalized.

Response: The language has been revised as suggested.

(j)(1)(G): Add a comma after “title”.

Response: The language has been revised as suggested.

(j)(2)(A): Add a comma after “address”.

Response: The language has been revised as suggested.

(j)(2)(C): Add a comma after “address”.

Response: The language has been revised as suggested.

(j)(2)(E), line 13: Add a comma after “transfers”.

Response: The language has been revised as suggested.

(j)(2)(F), line 18: Remove “and regulations”. Rules are state rules. Regulations refer to federal regulations.

Response: The language has been revised as suggested.

(j)(2)(F), line 20: Same comment as above.

Response: The language has been revised as suggested.

(j)(2)(G): Remove the quotation marks from the name of the Act, add a comma after “1971”, and remove the parenthesis from “G.S. 74-46 through 74-68”.

Response: The language has been revised as suggested.

(j)(2)(G), lines 26 and 27: Why are you using a different way here to refer to the Mining Act? Be consistent throughout your rule.

Response: The language has been revised as suggested.

(j)(2)(H): Only “Signature” needs to be capitalized.

Response: The language has been revised as suggested.

(j)(2)(H): Add a comma after “name”.

Response: The language has been revised as suggested.

(j)(2)(J): Only “Signature” needs to be capitalized.

Response: The language has been revised as suggested.

(j)(2)(J): Add a comma after “name”.

Response: The language has been revised as suggested.

(j)(3)(A): Add a comma after “address”.

Response: The language has been revised as suggested.

(j)(3)(B): Add a comma after “address”.

Response: The language has been revised as suggested.

(j)(3)(C): You state “Department of Environmental Quality” twice. Remove one.

Response: The language has been revised as suggested.

(j)(3)(C): Add a comma after “Quality” and “Center”.

Response: The language has been revised as suggested.

(j)(3)(J): Add a semi-colon at the end of this.

Response: The language has been revised as suggested.

(j)(3)(K): Change the period at the end of this to a semi-colon.

Response: The language has been revised as suggested.

(j)(3)(L): Remove the quotation marks from the name of the Act, add a comma after “1971”, and remove the parenthesis from “G.S. 74-46 through 74-68”.

Response: The language has been revised as suggested.

(j)(3)(M): Only “Signature” needs to be capitalized.

Response: The language has been revised as suggested.

(j)(3)(M): Add a comma after “name”.

Response: The language has been revised as suggested.

(j)(4)(A): Add a comma after “address”.

Response: The language has been revised as suggested.

(j)(4)(B): Add a comma after “address”.

Response: The language has been revised as suggested.

(j)(4)(C): You state “Department of Environmental Quality” twice. Remove one.

Response: The language has been revised as suggested.

(j)(4)(C): Add commas after “Quality” and “Center”.

Response: The language has been revised as suggested.

(j)(4)(J): Add a semi-colon at the end of this.

Response: The language has been revised as suggested.

(j)(4)(K): Change the period at the end of this to a semi-colon.

Response: The language has been revised as suggested.

(j)(4)(L): Remove the quotation marks from the name of the Act, add a comma after “1971”, and remove the parenthesis from “G.S. 74-46 through 74-68”.

Response: The language has been revised as suggested.

(j)(4)(M): Only "Signature" needs to be capitalized.

Response: The language has been revised as suggested.

(j)(4)(M): Add a comma after "name".

Response: The language has been revised as suggested.

(j)(5)(B): Add a period at the end of this.

Response: The language has been revised as suggested.

History Note, Authority: Change "7451" to "74-51" and "7454" to "74-54".

Response: The language has been revised as suggested.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Christopher S. Miller
Commission Counsel

Date submitted to agency: July 09, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Mining Commission

RULE CITATION: 15A NCAC 05B .0104

DEADLINE FOR RECEIPT: July 20, 2026

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Line 1: Move "AS" to follow "WITH CHANGES".

Response: The language has been revised as suggested.

(a)(5): Add a comma after "estuarine".

Response: The language has been revised as suggested.

(b)(1): Add a comma after "subsequent land use".

Response: The language has been revised as suggested.

(b)(5): Add a comma after "siltation".

Response: The language has been revised as suggested.

(b)(9): Add a comma after "odious".

Response: The language has been revised as suggested.

(b)(10)(C): Change "county(s)" to "counties".

Response: The language has been revised as suggested.

(b)(10)(E): Add a space between "G.S." and "89C".

Response: The language has been revised as suggested.

(b)(11): Add a comma after "Paragraph" on line 29.

Response: The language has been revised as suggested.

(b)(11)(A) and (B): If you wish to enforce these manuals via your rules, you should incorporate them by reference in accordance with 150B-21.6.

Response: The language has been changed to comply with 150B-21.6.

Christopher S. Miller
Commission Counsel

Date submitted to agency: July 09, 2026

(b)(12): What is the relationship between (12) and the rest of (b)? Does (12) only apply if (11) is used/followed? Or is (12) always required? The “and” inserted at the end of (9) makes this a bit confusing.

Response: (12) is always required. The “and” inserted at the end of (9) has been deleted.

(c), line 3: Add a comma after “aerial photographs”.

Response: The language has been revised as suggested.

(c)(5), lines 9 and 10: Remove the parenthesis. They are not needed.

Response: The language has been revised as suggested.

(c)(12-17): Why is this text highlighted and underlined? Wasn’t this language proposed in the rule version published in the register? Please check this. Was the formatting in the register incorrect?

Response: Inconsistencies between the Regulatory Impact Analysis and the Register were identified in public comments. 05B .0104(12) was changed for clarity to say, “adjoining land as is specified in G.S. 74-50”. Underling was added to 05B .0104(13) – (17) to show that these are new paragraphs. The text following 05B .0104(17) was stricken to illustrate that it is proposed for removal.

(c)(12-16): These should all end with semi-colons rather than periods.

Response: The language has been revised as suggested.

(c)(12-17): For consistency, you should not capitalize the first word for these provisions.

Response: The language has been revised as suggested.

(d)(2): Add a comma after “city”.

Response: The language has been revised as suggested.

(d)(2): Remove “and” at the end of this. This should be moved further down the list to follow at the end of new (4).

Response: The language has been revised as suggested.

(d)(3), line 17: Add a comma after “city”.

Response: The language has been revised as suggested.

(d)(4), line 25: Add a comma after “lessees” and “permittees”.

Response: The language has been revised as suggested.

(f)(4): Add a comma after “state”.

Response: The language has been revised as suggested.

(f)(4): Add a comma after “ranking official”.

Response: The language has been revised as suggested.

(f)(4): This should end with a semi-colon rather than a period.

Response: The language has been revised as suggested.

(f)(5): Does the last sentence of this only apply for LLCs? It seems like it applies for all of (f)(1-5). If that is the case, you should set this as its own paragraph. The current organization does not make sense.

Response: The language has been revised as suggested.

History Note, Authority: Please fix the dashes used in the statutory citations.

Response: The language has been revised as suggested.

History Note, Authority: Add a semi-colon after “74-56”.

Response: The language has been revised as suggested.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Mining Commission

RULE CITATION: 15A NCAC 05B .0105

DEADLINE FOR RECEIPT: July 20, 2026

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Line 5: You should add a legal citation after the Mining Act unless you have already defined this elsewhere in your rules.

Response: The Mining Act is defined for the first time at 15A NCAC 05A .0202(a).

(1): Where exactly is this condition specified in 74-51? I don't see anything about erosion control conditions in there. I also didn't see anything about "mining operations". I suggest removing the statutory reference here, unless I am missing something. It seems to be unnecessary.

Response: The reference to G.S. 74-51 has been removed.

(2): This should end with a semi-colon rather than a period.

Response: The language has been revised as suggested.

(3): This should end with a semi-colon rather than a period.

Response: The language has been revised as suggested.

(4): This should end with a semi-colon rather than a period.

Response: The language has been revised as suggested.

(5): This should end with a semi-colon rather than a period.

Response: The language has been revised as suggested.

History Note, Authority: Please fix the dashes used in the statutory citations.

Response: The language has been revised as suggested. This appears to be a software error – when viewed in a web browser or as published in the Register, the dashes are correct, however when viewed in Microsoft Word double dashes are visible. The text has been replaced in the Rules to ensure this does not occur going forward.

Christopher S. Miller
Commission Counsel

Date submitted to agency: July 09, 2026

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Christopher S. Miller
Commission Counsel
Date submitted to agency: July 09, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Mining Commission

RULE CITATION: 15A NCAC 05B .0106 (REPEAL)

DEADLINE FOR RECEIPT: July 20, 2026

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

History Note, Authority: Please fix the dashes used in the statutory citations.

Response: The language has been revised as suggested.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Christopher S. Miller
Commission Counsel
Date submitted to agency: July 09, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Mining Commission

RULE CITATION: 15A NCAC 05B .0110

DEADLINE FOR RECEIPT: July 20, 2026y

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

(a): When exactly is reclamation of an area deemed to be “complete”? Can it not be an on-going process? Also, what is an “area of land”? This is not clear.

Response: The purpose of (a) is to specify that when a release is requested, a release request must be sent in to the Department. The requirements of the release request are the same as what is detailed in G.S. 74-55. The language has been changed to address the concerns about clarity and “area of land” has been changed to “area of affected land pursuant to G.S. 74-56.” The additional authority citation to G.S. 74-56 has been added.

(a): How does the operator have to notify the Department? In writing? By phone call? In any manner? Is there a deadline for such notification?

Response: There is no deadline. It is up to the permittee when they want to request release. A permittee can notify the Department by submitting a release request form. Language to that effect has been added.

(b), line 9: You state that the Department “may” waive the annual fee. If an agency “may” act, the rule shall state the factors, standards, or circumstances that will guide the agency in deciding whether to act, as required by G.S. 150B-19(6). Please clarify this in your rule. Would the agency ever deny the waiver?

Response: The language has been changed from “may” to “shall,” and the language has been updated to clarify that a waiver would not be granted if the “site is determined to not be eligible for release pursuant to G.S. 74-56, prior to December 31 of that same year.”

(b), line 10: For clarity, I suggest changing “the permit year” to “that permit year”.

Response: The language has been revised as suggested.

(b), line 11: I would suggest changing “may” to “shall”, if that aligns with your intent.

Response: The language has been revised as suggested.

Christopher S. Miller
Commission Counsel

Date submitted to agency: July 09, 2026

(b), line 11: Consider adding “of that same year” following “December 31”.

Response: The language has been revised as suggested.

History Note, Authority: How does G.S. 74-55 give you authority to require this notification and release request upon “completion of reclamation”? That statute only discusses annual reports for the activities of the entire prior year.

Response: G.S. 74-55(a) requires reports to be filed by September 1 each year, and paragraph (b) requires that an annual operating fee be paid with the report. The rule gives flexibility to payment of the fee if the annual report is a release request to ensure mine operators are not charged for a year in which they are not in fact operating. Added G.S. 74-56 has also been added as an additional authority for this rule. G.S. 74-56(a) states that “Upon receipt of the operator's annual report or report of completion of reclamation and at any other reasonable time the Department may elect, the Department shall cause the permit area to be inspected to determine whether the operator has complied with the reclamation plan, the requirements of this Article, any rules adopted under this Article, and the terms and conditions of the permit.” Additionally, G.S. 74-56(c) states that “[u]pon completion of reclamation of an area of affected land, the operator shall notify the Department. The Department shall make an inspection of the area, and if it finds that reclamation has been properly completed, it shall notify the operator in writing and release the operator from further obligations regarding the affected land.”

History Note, Authority: Please fix the dashes used in the statutory citations.

Response: The language has been revised as suggested.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Christopher S. Miller
Commission Counsel

Date submitted to agency: July 09, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Mining Commission

RULE CITATION: 15A NCAC 05B .0111

DEADLINE FOR RECEIPT: July 20, 2026

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

(b), line 10: What does “general coverage” mean? This is quite vague.

Response: The word “general” retains its commonly understood meaning. See, e.g., General, Merrian-Webster's Online Dictionary, <https://www.merriam-webster.com/dictionary/general> (defining “general” as “applicable to or characteristic of the majority of individuals involved”). As per the structure of the Rule as written, general is meant to convey that the media coverage is available to a majority of people or is prevalent in the impacted counties.

(b), line 10: Change “county(s)” to “counties”.

Response: The language has been revised as suggested.

(c), line 18: Consider changing “can” to “shall”.

Response: The language has been revised as suggested.

(e), line 26: Consider changing “will” to “shall”.

Response: The language has been revised as suggested.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Christopher S. Miller
Commission Counsel
Date submitted to agency: July 09, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Mining Commission

RULE CITATION: 15A NCAC 05B .0112

DEADLINE FOR RECEIPT: July 20, 2026

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

(b), line 17: Consider changing "is" to "shall be".

Response: The language has been revised as suggested.

History Note, Authority: Consider adding § 74-54.1 and § 74-63.

Response: G.S. 74-54.1 and G.S. 74-63 have been added.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Christopher S. Miller
Commission Counsel
Date submitted to agency: July 09, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Mining Commission

RULE CITATION: 15A NCAC 05B .0113

DEADLINE FOR RECEIPT: July 20, 2026

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Lines 6-8: Is this a discretionary decision made by the Director? Or are all extension requests granted?

Response: It is a discretionary decision made by the Director.

History Note, Authority: Please correct the dashes used in the statutory citations.

Response: The language has been revised as suggested.

History Note, Authority: At the end of line 12, "Note:" appears. This looks to be a typo. Please delete.

Response: The language has been revised as suggested.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Christopher S. Miller
Commission Counsel
Date submitted to agency: July 09, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Mining Commission

RULE CITATION: 15A NCAC 05B .0114 (Adoption)

DEADLINE FOR RECEIPT: July 20, 2026

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

General Comment: Does it make sense to include this new rule in Subchapter 05B, which relates to permitting and bonds? It feels out of place. Are you saying that this is a condition imposed on all permits?

Response: Yes, this is a condition imposed on all permits that have blasting as a proposed activity.

General Formatting: The use of underlining and highlighting here is not correct given that this is a new rule/adoption with changes. Please follow the guidance on our website for "Permanent Adoption with changes from publication" at <https://www.oah.nc.gov/rule-format-examples#RuleFormatExamplesforPublicationintheNCAdministrativeCode-6063>.

Response: The language has been revised as suggested.

(a), line 4: You should define the term "blasting". This is the first time that you are using this in your rules.

Response: The word "blasting" retains its commonly understood meaning. See, e.g., Disturbance, *Merriam-Webster's Online Dictionary*, <https://www.merriam-webster.com/simple/blasting> (defining disturbance as "to shatter by or as if by an explosive" or "to remove, open, or form by or as if by an explosive").

(a), line 5: What does it mean to be "regularly occupied"? This is vague. What if the building is vacant and up for sale? Would it not count?

Response: "Regularly occupied" means that a structure does not need to be permanently or continuously occupied, but is not abandoned.

(b), line 9: Same comment as above. Also, why is the terminology used here different than that in (a)? Is it meant to have a separate meaning?

Response: Added "not owned or leased by the operator" for consistency throughout the rule.

Christopher S. Miller
Commission Counsel

Date submitted to agency: July 09, 2026

(c), line 14: Add a space after “Handbook”.

Response: The language has been revised as suggested.

(c), page 2, lines 3-4: What does it mean to be “regularly occupied”? This is vague. What if the building is vacant and up for sale? Would it not count?

Response: Same answer as above regarding the “regularly occupied” language.

(d), line 9: Same comment as above.

Response: Same answer as above regarding the “regularly occupied” language.

(d), lines 10-11: I think there is some language missing here. Should this say something like, “... unless an alternate level is allowed based on ...” or “is deemed to be safe based on ...”?

Response: The language has been revised as suggested.

(e), line 13: Consider expanding “blasting” to say “air blast overpressure resulting from surface blasting”. I think this would improve clarity.

Response: The language has been changed to “air blast overpressure” for clarity.

(e), line 15: Add a space after “Handbook”.

Response: The language has been revised as suggested.

(e), lines 22-23: What does it mean to be “regularly occupied”? This is vague. What if the building is vacant and up for sale? Would it not count?

Response: Same answer as above regarding the “regularly occupied” language.

(e), line 26: Why do you state “air blast/overpressure” here? Can it not be written as “air blast overpressure”, as you previously used in (d)? Is this something different?

Response: The language has been revised as suggested.

(f), line 2: Should “with” or “on” be inserted before “a minimum delay of 1 milliseconds.”?

Response: The language has been revised as suggested.

(g)(1): “Company” does not need to be capitalized.

Response: The language has been revised as suggested.

(g)(11): Same comment regarding the use of “regularly occupied” structure.

Response: Same answer as above regarding the “regularly occupied” language.

(g)(13): “Whether” does not need to be capitalized.

Response: The language has been revised as suggested.

(h): Who determines what “all reasonable precautions” entails? Does everyone agree on what is a “reasonable” precaution? Are costs considered in this? This language is vague.

Response: The phrase “all reasonable” has been stricken.

(i), lines 22-23: I suggest changing “these blasting conditions” to “the blasting conditions set forth in this Rule”.

Response: The language has been revised as suggested.

(i), line 23: What constitutes “making an effort”? This is vague. And what is a “production blasting program”?

Response: The phrase “making an effort” has been stricken and changed to “evaluate.” Additional language has been added for clarity. The production blasting program is the operation’s blasting activities for when an operation is conducting a production blast.

History Note, Authority: Where does the Commission’s authority come from to regulate blasting with this level of specificity, and to also apply it broadly to all permittees without application to the specific circumstances?

Response: G.S. 74-63 states that the Commission “may adopt rules necessary to administer. . .” the Mining Act. G.S. 74-51(d)(1)-(7) list criteria for permit denial. Those provisions contemplate denial of a permit, and thus restricted ability to mine, based on the potential adverse effects and physical hazards caused by mining operations. Due to the potential severity of impacts blasting practices may cause to the land, groundwater, local wildlife, marine life, and nearby structures, which blasting may contribute to a detailed rule is necessary to ensure safe practices are used and unsafe practices may be enforced against. This rule was adopted to minimize impacts and ensure the safe operation of mines. The rule is limited to sites that use blasting and would not apply where such practices do not take place.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Mining Commission

RULE CITATION: 15A NCAC 05B .0115 (Adoption)

DEADLINE FOR RECEIPT: July 20, 2026

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

(a), line 5: What "Act"? be specific.

Response: Added "The Mining Act of 1971."

(a), line 5: Consider changing "does not" to "shall not".

Response: The language has been revised as suggested.

(b)(3), line 17: What "Article" are you referencing? Be specific.

Response: Added "Article 7."

(b)(5): Add "(a)" before "(15)". Also, rule 15A NCAC 05B .0104 does not have an (a)(15). As submitted, it ends at (a)(14). Please check this reference and correct as needed.

Response: The language has been revised as suggested.

(b)(5): Add a period at the end of this.

Response: The language has been revised as suggested.

(b)(6): Add commas after "lessees" and "permittees".

Response: The language has been revised as suggested.

(f), line 36: What "Article" are you referencing? Be specific.

Response: Added "Article 7."

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Christopher S. Miller
Commission Counsel

Date submitted to agency: July 09, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Mining Commission

RULE CITATION: 15A NCAC 05B .0116 (Adoption)

DEADLINE FOR RECEIPT: July 20, 2026

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

(a), line 4: Add “mining” before “permit changes”.

Response: The language has been revised as suggested.

(a)(1): Please correct the line indentation here so that it aligns with (2)-(5).

Response: The language has been revised as suggested.

(a)(4): For clarity, consider adding “that complies with Rule .0103 of this Section” after “in the new corporate name”.

Response: The language has been revised as suggested.

(a)(5), line 18: Add commas after “lessees” and “permittees”.

Response: The language has been revised as suggested.

*(b), line 20: Shouldn't this say, “Upon approval of the **permit transfer ...**”? The Commission doesn't approve corporate name changes.*

Response: The language has been revised as suggested.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Christopher S. Miller
Commission Counsel
Date submitted to agency: July 09, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Mining Commission

RULE CITATION: 15A NCAC 05B .0117 (Adoption)

DEADLINE FOR RECEIPT: July 20, 2026

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

General Comment: Why is this Rule necessary? G.S. 74-51(h) states, "The operating permit shall not be issued until receipt of this deposit." So, it should already be understood that no permit is valid and issued until the security requirement has been met. What is the effect of this Rule? What is it doing?

Response: This rule clarifies that there may be times where DEMLR will share a draft permit with a permittee, but those terms should not be considered binding until the bond is in place. It gives the permittee a chance to provide feedback on the permit before it is issued.

Line 4: Add "and" or "but" in between "application" and "prior".

Response: Added "and" in between "application" and "prior."

Line 7: What is "timely approval"? I'm not sure what you're referring to here. There are no approval deadlines set forth in (h). There is only a deadline for permittees to submit the security. I would suggest clarifying this language.

Response: The word "timely" was removed from the rule as it was not necessary.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Christopher S. Miller
Commission Counsel

Date submitted to agency: July 09, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Mining Commission

RULE CITATION: 15A NCAC 05F .0101

DEADLINE FOR RECEIPT: July 20, 2026

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

General Comment: Is this rule necessary? What is the effect of this rule? The RRC generally frowns upon Purpose rules unless they are truly needed.

Response: This rule specifies that these Rules spell out the procedures and standards the Director of DEMLR must follow when issuing civil penalty assessments related to the Mining Program.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Christopher S. Miller
Commission Counsel

Date submitted to agency: July 09, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Mining Commission

RULE CITATION: 15A NCAC 05F .0103

DEADLINE FOR RECEIPT: July 20, 2026

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*Line 4: Is this Rule saying that penalties can **only** be assessed by the Director? If so, I suggest changing "may" to "shall".*

Response: No, the Director can delegate the authority to assess Civil Penalties.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Christopher S. Miller
Commission Counsel
Date submitted to agency: July 09, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Mining Commission

RULE CITATION: 15A NCAC 05F .0105

DEADLINE FOR RECEIPT: July 20, 2026

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

(b), line 13: Change "violation(s)" to "violations".

Response: The language has been revised as suggested.

History Note, Authority: Please correct the dashes used in the statutory citations.

Response: The language has been revised as suggested.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Christopher S. Miller
Commission Counsel
Date submitted to agency: July 09, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Mining Commission

RULE CITATION: 15A NCAC 05F .0106

DEADLINE FOR RECEIPT: July 20, 2026

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Line 10: Since you've deleted paragraph (a), I would suggest adding "required by G.S. 74-64(a)(1)" after "the notice of violation".

Response: The language has been revised as suggested.

Line 11: Change "violation(s)" to "violations".

Response: The language has been revised as suggested.

Line 12: Same comment as noted above.

Response: The language has been revised as suggested.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Christopher S. Miller
Commission Counsel
Date submitted to agency: July 09, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Mining Commission

RULE CITATION: 15A NCAC 05F .0111 (Repeal)

DEADLINE FOR RECEIPT: July 20, 2026

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

No comments.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Christopher S. Miller
Commission Counsel
Date submitted to agency: July 09, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Mining Commission

RULE CITATION: 15A NCAC 05F .0112 (Repeal)

DEADLINE FOR RECEIPT: July 20, 2026

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Form 0400: The form for this rule appears to be missing your signature in box 11. Please update and resubmit the Form to me.

Response: Form 0400 has now been signed, and an updated Form is attached.

History Note, Authority: For consistency, you should also strike out 74-62 here (since that statute has been repealed).

Response: The language has been revised as suggested.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Christopher S. Miller
Commission Counsel

Date submitted to agency: July 09, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Mining Commission

RULE CITATION: 15A NCAC 05G .0103

DEADLINE FOR RECEIPT: July 20, 2026

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Line 4: Change "is" to "shall be".

Response: The language has been revised as suggested.

History Note, line 8: Insert "Eff." between "Readopted" and "August".

Response: The language has been revised as suggested.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Christopher S. Miller
Commission Counsel
Date submitted to agency: July 09, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Mining Commission

RULE CITATION: 15A NCAC 05G .0104

DEADLINE FOR RECEIPT: July 20, 2026

PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

(b)(1), line 12: Avoid using "and/or" in rules. Rather, consider just using "or".
Response: The language has been revised as suggested.

History Note, Authority: Consider adding § 74-80 and 74-81.
Response: G.S. 74-80 and G.S. 74-81 have been added.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Christopher S. Miller
Commission Counsel
Date submitted to agency: July 09, 2026

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: North Carolina Mining Commission

RULE CITATION: 15A NCAC 05G .0105

DEADLINE FOR RECEIPT: July 20, 2026

PLEASE NOTE: *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Line 4: Add a comma after "testing".

Response: The language has been revised as suggested.

Line 5: Add a comma after "15A NCAC 02C".

Response: The language has been revised as suggested.

Lines 6-7: This does not fully meet the incorporation requirements of G.S. 150B-21.6. Please specify in the rule both where copies of the material can be obtained and the cost on the date the rule is adopted of a copy of the material.

Response: The language has been updated to fully incorporate the requirements of G.S. 150B-21.6.

History Note, Authority: Please correct the dashes used in the statutory citations.

Response: The language has been revised as suggested.

History Note, line 11: Please add "Eff." between "Readopted" and "August".

Response: The language has been revised as suggested.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Christopher S. Miller
Commission Counsel
Date submitted to agency: July 09, 2026

1 15A NCAC 05A .0101 IS READOPTED AS PUBLISHED IN 40:08 NCR 733 AS FOLLOWS:
2

3 **15A NCAC 05A .0101 NAME AND ADDRESS**

4 The name of this agency shall be the North Carolina Mining and Energy Commission. Its address is Department of
5 Environmental Quality, Environment, Health, and Natural Resources, P.O. Box 27687, 1612 Mail Service Center,
6 Raleigh, North Carolina ~~27611~~. 27699-1612.
7

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8 *History Note: Authority G.S. 143B-290;*
9 *Eff. February 1, 1976;*
10 *Amended Eff. January 31, 1979;*
11 *Readopted Eff. August 1, 1982;*
12 *Amended Eff. August 1, 2012 (see S.L. 2012-143, s.1.(d)); April 1, 1990;*
13 *Readopted Eff. August 1, 2026.*
14
15

1 15A NCAC 05A .0202 IS READOPTED AS PUBLISHED IN 40:08 NCR 733 AS FOLLOWS:

2
3 **15A NCAC 05A .0202 DELEGATION AUTHORITIES AND DEFINITIONS**

4 (a) The Director, Division of Energy, Mineral, and Land Resources, Department of Environmental Quality,
5 Department of Environment, Health, and Natural Resources, shall have the following powers and duties with regard
6 to necessary to administer the administration of the Mining Act of 1971-1971, as set forth in Article 7, Chapter 74 of
7 the General statutes, including:

- 8 (1) the issuance, denial, modification, renewal, ~~suspension~~ suspension, transfer, and revocation of
- 9 permits;
- 10 (2) the approval of reclamation plans;
- 11 (3) the initiation of forfeiture proceedings;
- 12 (4) the giving of notices, setting of [hearings] hearings, and taking of action upon findings of violations;
- 13 and
- 14 (5) the institution of all criminal and civil actions.

15 (b) The Director, Division of Energy, Mineral, and Land Resources, Department of Environmental Quality,
16 Department of Environment, Health, and Natural Resources shall have the following powers and duties necessary to
17 administer with regard to the administration of the Control of Exploration for Uranium in North Carolina Act of 1983-
18 1983, as set forth in Article 8, Chapter 74 of the General Statutes, including:

- 19 (1) the issuance, denial, modification, renewal, ~~suspension~~ suspension, transfer, and revocation of
- 20 permits;
- 21 (2) the review of the plans for the initiation and ~~approval~~ of the abandonment of affected land;
- 22 (3) the inspection and approval of the abandonment of affected land;
- 23 (4) the giving of notices, setting of hearings, and taking of action upon findings of violations; and
- 24 (5) the institution of all criminal and civil actions.

25 (c) The definitions found in Article 7 of Chapter 74 of the General Statutes and the following definitions apply to
26 Subchapters 05A, 05B, [05F] 05F, and 05G of Chapter 5 of Title 15A of the North Carolina Administrative
27 Code:

- 28 (1) “Administrative [Change”] change” means any change initiated by the Department or requested by
29 the applicant to correct [errors] errors, [including,] including grammatical errors, typographical
30 errors, and map inaccuracies, that do not substantively change the permit.
- 31 (2) “Affected land”, as defined in G.S. [74-49(1)] 74-49(1), shall not include an unrelated use that does
32 not meet the definition of mining that occurs within the permit boundaries, including activities
33 pertaining to agriculture and silviculture including timber harvesting, where an erosion and
34 sedimentation plan is approved pursuant to G.S. 113A, Article 4, when required, and the unrelated
35 use area is shown on the mine map.
- 36 (3) "Contaminants" shall be defined as set forth in [42 USC 9601(33)] 42 U.S.C. 9601(33), "Pollutants
37 or Contaminants", which is hereby incorporated by reference, including any amendments or

subsequent editions. Copies may be accessed at <https://www.govinfo.gov/content/pkg/USCODE-2023-title42/html/USCODE-2023-title42-chap103-subchapI-sec9601.htm> at no charge.

(4) "Director" means the Director of the Division of Energy, ~~Mineral~~ Mineral, and Land Resources of the Department of Environmental Quality, or any position to which the Director has delegated ~~their~~ his or her authority.

(5) "Division" means the Division of Energy, Mineral, and Land ~~Resources~~ Resources of the Department of Environmental Quality.

(6) "Filed" or "Filing", as applicable to G.S. 74-51(b), shall be deemed to occur at the start of the following business ~~day~~ day when an application is submitted electronically outside of business hours.

(7) "Mining ~~Buffer~~ buffer" means an unexcavated, undisturbed, or vegetative area managed to protect adjacent land owners or area of special concern.

(A) "Unexcavated" means no mine excavation shall occur. Unexcavated buffers may be used for roadways, ~~berms~~ berms, and erosion and sedimentation control or stabilization. Excavation may be allowed for sediment basins or erosion and sedimentation control when shown on the mine map.

(B) "Undisturbed" means no disturbance shall occur.

(C) "Vegetative ~~Buffer~~ buffer" means an unexcavated buffer that may be managed through landscaping or additional plantings.

(8) "Non-public ~~roads~~ road" means any private road that is not maintained by the State or ~~had~~ has maintenance requirements delegated to a municipality. Temporary access roads utilized for exploratory purposes shall not be considered non-public roads when they comply with any requirements for approvals pursuant to G.S. 113A, Article 4.

(9) "Notice", as applicable to G.S. 74-50(b3), includes written or electronic correspondence.

(10) "On-site ~~Construction~~ construction" means development of a site where the primary purpose is to construct, develop, or ~~erect~~ erect structures, infrastructure, or waste facilities, and the removal, but not sale, of any extracted material off-site is incidental to the primary purpose and ~~time limited~~ time-limited.

(11) "Transfer ~~Material~~ material" means material brought into the mine permit boundary for the purpose of blending, recycling, or upgrading of ~~onsite~~ on-site materials for the purpose of resale.

History Note: Authority G.S. 74-50 through 74-53; 74-56 to 74-59; ~~74-63~~; ~~74-75~~ through ~~74-85~~; 74-87; ~~143B-290~~ 143B-290;
Eff. February 1, 1976;
Amended Eff. January 31, 1979; September 3, 1976;
Readopted Eff. August 1, 1982;
Amended Eff. August 1, 2012 (see S.L. 2012-143, s.1.(f)); April 1, 1990; December 1, 1983;

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Readopted Eff. August 1, 2026.

2

1 15A NCAC 05B .0103 IS READOPTED AS PUBLISHED IN 40:08 NCR 733 WITH CHANGES AS FOLLOWS:

2
3 **15A NCAC 05B .0103 BONDING REQUIREMENTS**

4 (a) After an application for a new mining ~~[permit] permit,~~ or permit ~~renewal, modification,~~ modification, or transfer
5 is ~~considered approvable-~~ approved by the Department, an applicant or permittee ~~shall must~~ file a bond with the
6 Department in an amount to be determined by the ~~Director,~~ Director in accordance with this Rule and G.S. 74-54.

7 (b) If the applicant or permittee disagrees with the bond amount determined by the Director, the applicant or permittee
8 may submit to the Director for consideration, an estimate of reclamation costs from a third-party contractor to be used
9 as the bond amount. The estimate shall be provided to the Director within 30 days following the receipt of the
10 Director's initial bond determination. After considering the estimate and recommendations ~~provided by Division his~~
11 staff, the Director shall notify the applicant or permittee of ~~his the~~ the bond determination and the process and conditions
12 used to set the bond amount.

13 (c) The Director ~~may shall invite allow~~ the applicant or permittee to submit to the Department an estimate of
14 reclamation costs from a third-party contractor for the Director's use in determining the initial required bond amount.
15 After considering the estimate and the recommendations provided by ~~his Division~~ staff, the Director shall notify the
16 applicant or permittee of ~~his the~~ the initial bond determination and the process and conditions used to set the bond amount.

17 (d) The amount of the bond shall be based on the costs to reclaim the affected land as determined by the reclamation
18 plan approved pursuant to G.S. 74-53 and ~~15A NCAC 5B .0004(b).~~ 15A NCAC 05B .0104(b). ~~The bond amount shall~~
19 ~~be based on a range of five hundred dollars (\$500.00) to five thousand (\$5000.00) per acre of land approved by the~~
20 ~~Department to be affected.~~ If the mining permit is modified to increase the total affected land, the bond shall be
21 increased ~~accordingly pursuant to this Rule.~~ The Director shall consider the method and extent of the required
22 reclamation for a particular site in determining the bond amount. As areas at a site are reclaimed and formally released
23 by the Department, the permittee may substitute a bond in an amount determined by the Department in accordance
24 with this Rule covering the remaining affected land at the site for the bond previously filed with the Department;
25 otherwise, without such bond substitution, the Department shall retain the previously filed bond until all reclamation
26 has been completed and approved by the Department.

27 (e) The initial bond calculation amount shall be based upon the criteria included in the table in Subparagraph (1) of
28 this Paragraph and applied per acre of land to be affected approved by the [Department to be affected.] Department.
29 The criteria in Subparagraph (1) of this Paragraph does not apply to existing bonds already on file with the Department,
30 until action is required to change the bond, including new, [transfer] transferred, and modified mining permits on file
31 with the [Department or compliance action taken by the Department.] Department, or pursuant to compliance action
32 taken by the Department resulting in requirement for an application for new, [transferred] transferred, or modified
33 mining permits.

34 (1) Table of Mining Reclamation Factors.

35

<u>Commodity Codes:</u>			
<u>SG</u>	<u>Sand and/or Gravel</u>	<u>PF</u>	<u>Pyrophyllite</u>

<u>GS</u>	<u>Gemstone</u>	<u>OL</u>	<u>Olivine</u>
<u>Borrow</u>	<u>Borrow/fill dirt</u>	<u>KY</u>	<u>Kyanite/Sillimanite/Andalusite</u>
<u>CS</u>	<u>Crushed Stone</u>	<u>PH</u>	<u>Phosphate</u>
<u>DS</u>	<u>Dimension Stone</u>	<u>CL</u>	<u>Clay/Shale</u>
<u>FS</u>	<u>Feldspar</u>	<u>PE</u>	<u>Peat</u>
<u>MI</u>	<u>Mica</u>	<u>AU</u>	<u>Gold</u>
<u>LI</u>	<u>Lithium</u>	<u>TI</u>	<u>Titanium</u>

Table of Mining Reclamation Factors:

<u>Type</u>	<u>Tailings/ Sediment Ponds (Lake)</u>	<u>Tailings/ Sediment Ponds (Filled In)</u>	<u>Stockpiles</u>	<u>Wastepiles</u>	<u>Processing Area/Haul Roads</u>	<u>Mine Excavation (Lake)</u>	<u>Mine Excavation (Positive Drainage)</u>
<u>SG,GS, Borrow</u>	[\$810] \$820	[\$2,430] \$2,460	[\$2,916] \$2,952	[\$3,240] \$3,280	[\$2,916] \$2,952	[\$810] \$820	[\$3,240] \$3,280
<u>CS, DS, FS, MI, LI, PF, OL, KY</u>	[\$810] \$820	[\$2,430] \$2,460	[\$2,916] \$2,952	[\$3,240] \$3,280	[\$3,240] \$3,280	[\$810] \$820	[\$4,050] \$4,100
<u>PH</u>	[\$1,620] \$1,640	[\$4,050] \$4,100	[\$4,050] \$4,100	[\$8,100] \$8,200	[\$8,100] \$8,200	[\$3,240] \$3,280	[\$8,100] \$8,200
<u>CL</u>	[\$1,620] \$1,640	[\$4,050] \$4,100	[\$4,050] \$4,100	[\$8,100] \$8,200	[\$8,100] \$8,200	[\$3,240] \$3,280	[\$5,994] \$6,068
<u>PE, AU, TI, OT</u>	[\$1,620] \$1,640	[\$4,050] \$4,100	[\$4,050] \$4,100	[\$4,860] \$4,920	[\$5,670] \$5,740	[\$3,240] \$3,280	[\$8,100] \$8,200

(2) ~~the~~ The amounts included in Subparagraph (1) of this Paragraph shall be increased by two percent per year on an annual basis beginning on July 1, 2027.

(3) ~~the~~ The Department shall publish the Mining Reclamation Factors that will be in effect on July 1 of each year in the offices of the Department and on the Department's website.

(f) The final bond amount shall be calculated by increasing the initial bond calculation from Paragraph (e) of this Rule, by two percent per year of the estimated life of mine or life of lease to account for estimated inflation. The calculation shall be performed by Simple interest: Bond = Current Bond Value x (1+(.02 x # of years)).

(g) If an applicant or permittee has multiple sites, the applicant or permittee may file a separate bond with the Department for each site or the applicant or permittee may submit one blanket bond covering all sites in the aggregate amount of all bond totals. Once the total amount of all bonds for separate sites or the total blanket ~~bond(s)~~ bond for all sites reaches ~~five hundred thousand dollars (\$500,000)~~ one million dollars (\$1,000,000):

(1) the applicant or permittee with separate bonds may substitute a ~~five hundred thousand dollar (\$500,000)~~ one million dollars (\$1,000,000) blanket bond to be used for all future sites, or

(2) the applicant or permittee with ~~five hundred thousand dollar (\$500,000)~~ one million dollars (\$1,000,000) blanket bond covering all sites may use that blanket bond for all future sites.

~~if the Director finds that the applicant or permittee, in either case, has a good operating record, that the five hundred thousand dollars (\$500,000) is sufficient to reclaim all sites and that no additional reclamation bond money is needed. If the Director finds that the applicant or permittee does not have a good operating record, that the five hundred thousand dollars (\$500,000) is not sufficient to reclaim all sites, or that additional reclamation money is needed, the Director shall require per acreage bonding for future sites as provided in Paragraph (d) of this Rule.~~

~~(f) For the purposes of this Rule, a good operating record is defined as two consecutive years of operation within the State of North Carolina without final assessment of a civil penalty or other enforcement action pursuant to G.S. 74-64, or having a permit suspended or revoked under G.S. 74-58, or having a bond or other surety forfeited under G.S. 74-59. For the purposes of this Rule, a bond shall include any and all types~~ type ~~of security allowed under G.S. 74-54.~~

(h) In accordance with G.S. 74-51(h), no permit shall be issued until the operator deposits with the Department a reclamation bond pursuant to G.S. 74-54. Upon written request of the applicant or permittee to the Director, an additional specified period of time to deposit the bond, not to exceed 60 days, shall be granted by the Director.

(i) In accordance with G.S. 74-51(d)(1), failure to provide the required bond security within the specified time period, or any extension granted pursuant to Paragraph (h) of this Rule, shall result in denial of the application.

(j) Any bond deposited with the Department shall include the following elements:

(1) Surety Bonds:

(A) Name, address address, and type of business entity of Principal exactly matching name of Permittee;

(B) The State of North Carolina, Department of Environmental Quality Quality, 1612 Mail Service Center Center, Raleigh, North Carolina 27699-1612 as the Obligee;

(C) Name and address of Surety authorized by the Insurance Commissioner of North Carolina to do business in North Carolina;

(D) Sum of bonded amount required under this Rule;

(E) Conditioned that the Principal conducts or will conduct mining operations in North Carolina as described in the application for an operating permit which includes a Reclamation Plan as provided in G.S. 74-53 and has obtained approval of the application from the Department of Environmental Quality;

(F) Further conditioned that if the Principal shall comply with the requirements set forth in ["The Mining Act of 1971" (G.S. 74-46 through 74-68)] The Mining Act of 1971, G.S. 74-46 through 74-68 and with the rules [and regulations] adopted pursuant thereto and faithfully perform all obligations under their approved Reclamation Plan then this obligation shall be null and void; otherwise to be and remain in full force and effect until released by the Department of Environmental Quality in accordance with G.S. 74-56 or canceled by the surety. Cancellation by the surety shall be effectuated only upon 60 days written notice thereof to the Department of Environmental Quality and the operator as provided in G.S. 74-54;

(G) Signature, [Name, Title and Attestation by Officer of the Principal;] name, title, and attestation by officer of the Principal; and

(H) Notarization.

(2) Assignment of Savings Account:

(A) Name, [address] address, and type of business entity of Assignor exactly matching name of Permittee;

(B) The State of North Carolina, Department of Environmental Quality, 1612 Mail Service Center, Raleigh, North Carolina 27699-1612 as the Assignee;

(C) Name, [address] address, and account information for the bank holding assigned account;

(D) Sum of assigned amount required under this Rule;

(E) Statement that, in consideration of the promises contained in the agreement and the Department accepting the assignment of the savings account in question, the Assignor sells, assigns, [transfers] transfers, and sets over to the Department the sum in Part (j)(2)(D) of this Rule and directly authorizes the bank holding the assigned account to pay over to the Department the sum in Part (j)(2)(D) of this Rule upon request;

(F) Conditioned that if the Assignor conducts the mining operations faithfully, honestly, and lawfully and in compliance with the requirements of the Mining Act of 1971 and applicable rules [and regulations] adopted pursuant thereto, then the assignment shall be null and void; otherwise it shall remain in full force and effect and that compliance with the requirement of the Mining Act of 1971 and applicable rules [and regulations] shall be determined by the Department;

(G) Specification that the assignment is made and held by the Department as collateral security in lieu of a surety bond in accordance with ["The Mining Act of 1971" (G.S. 74-46 through 74-68)] The Mining Act of 1971, G.S. 74-46 through 74-68 to assure compliance and reclamation of the permitted operation and for all direct or indirect liabilities of the assignor Operator to the assignee Department that may arise by reason of the Mining Act 1971, Article 7, Chapter 74 of the General Statutes of North Carolina;

(H) Signature, Name and Title of an officer of the Assignor;

1 (I) Notarization of the Assignor's signature;
 2 (J) Signature, [Name and Title] name, and title of an officer of the bank holding the assigned
 3 account acknowledging the assignment and committing that the funds assigned shall not
 4 be disbursed except to the Department so long as the assignment remains in effect; and
 5 (K) Notarization of the Bank's signature.
 6 (3) Irrevocable Standby Letter of Credit (ILOC)
 7 (A) Name, [address] address, and type of business entity of Operator exactly matching name
 8 of Permittee;
 9 (B) Name, [address] address, and type of business entity of Issuing Institution;
 10 (C) The State of North Carolina, Department of Environmental Quality, [Department of
 11 Environmental Quality] 1612 Mail Service [Center] Center, Raleigh, North Carolina
 12 27699-1612 as the Beneficiary;
 13 (D) Effective Date of the ILOC;
 14 (E) Automatic renewal clause, such that the ILOC is continuous in nature, subject to at least
 15 60 days notice via certified mail, return receipt requested, to the Permittee and the
 16 Department prior to nonrenewal;
 17 (F) Sum of the ILOC required under this Rule;
 18 (G) That the sum of the ILOC is available by the Department drafts on sight;
 19 (H) Instructions for drafts by the Department;
 20 (I) Non-transferability clause;
 21 (J) Choice of Law provisions specifying North Carolina venue for all [disputes] disputes;
 22 (K) Statement that the Issuing Institution agrees with the drawers, endorsers, and bona fide
 23 holders that all drafts drawn under and in compliance with the terms of the ILOC will be
 24 duly honored upon presentation to the Issuing [Institution.] Institution;
 25 (L) Statement that the ILOC is being issued in lieu of a surety bond in accordance with ["The
 26 Mining Act of 1971" (G.S. 74-46 through 74-68)] The Mining Act of 1971, G.S. 74-46
 27 through 74-68 to assure compliance and reclamation of the permitted operation;
 28 (M) Signature, [Name and Title of an officer of the Issuing Institution;] name, and title of an
 29 officer of the Issuing Institution; and
 30 (N) Notarization of the Issuing Institution officer's signature.
 31 (4) Bank Guaranty
 32 (A) Name, [address] address, and type of business entity of Operator exactly matching name
 33 of Permittee;
 34 (B) Name, [address] address, and type of business entity of Issuing Institution;
 35 (C) The State of North Carolina, Department of Environmental Quality, [Department of
 36 Environmental Quality] 1612 Mail Service [Center] Center, Raleigh, North Carolina
 37 27699-1612 as the Beneficiary;

- 1 (D) Effective Date of the guaranty;
2 (E) Automatic renewal clause, such that the guaranty is continuous in nature, subject to at least
3 60 days notice via certified mail, return receipt requested, to the Permittee and the
4 Department prior to nonrenewal;
5 (F) Sum of the guaranty required under this Rule;
6 (G) That the sum of the guaranty is available by the Department drafts on sight;
7 (H) Instructions for drafts by the Department;
8 (I) Non-transferability clause;
9 (J) Choice of Law provisions specifying North Carolina venue for all ~~[disputes]~~ disputes;
10 (K) Statement that the Issuing Institution agrees with the drawers, endorsers, and bona fide
11 holders that all drafts drawn under and in compliance with the terms of the guaranty will
12 be duly honored upon presentation to the Issuing ~~[Institution.]~~ Institution;
13 (L) Statement that the guaranty is being issued in lieu of a surety bond in accordance with
14 ["The Mining Act of 1971" (G.S. 74-46 through 74-68)] The Mining Act of 1971, G.S. 74-
15 46 through 74-68 to assure compliance and reclamation of the permitted operation;
16 (M) Signature, ~~[Name and Title]~~ name, and title of an officer of the Issuing Institution; and
17 (N) Notarization of the Issuing Institution officer's signature.
18 (5) Cash Deposit:
19 (A) Cash in the form of a cashiers or certified check in the sum required under this Rule; and
20 (B) Cover Letter specifically identifying Permittee and specifying the intended function of the
21 money to serve as the required bond amount under this ~~[Rule]~~ Rule.
22

23 *History Note:* Authority G.S. ~~[7451; 7454;]~~ 74-51; 74-54; 143B-290;
24 *Eff. February 1, 1976;*
25 *Amended Eff. January 1, 1994; April 1, 1990; November 1, 1985; November 1, 1984;*
26 *Readopted Eff. August 1, 2026.*
27

1 15A NCAC 05B .0104 IS READOPTED AS PUBLISHED IN 40:08 NCR 733 **[AS]** WITH CHANGES **AS**
2 FOLLOWS:

3
4 **15A NCAC 05B .0104 INFORMATION REQUIRED IN PERMIT APPLICATION**

5 (a) The completed application for the mining permit shall include information concerning the mining operation and
6 a reclamation plan for the restoration of all affected land. Information required concerning the mining operation shall
7 include:

- 8 (1) materials to be mined;
- 9 (2) method of mining;
- 10 (3) expected depth of mine;
- 11 (4) size of the mine, including:
 - 12 (A) acreage for tailings ponds,
 - 13 (B) acreage for stockpiles,
 - 14 (C) acreage for waste piles,
 - 15 (D) acreage for processing plants,
 - 16 (E) acreage for mine excavation,
 - 17 (F) acreage for annual disturbance;
- 18 (5) anticipated effect on wildlife, freshwater, **estuarine** ~~estuarine~~, or marine fisheries;
- 19 (6) ~~whether or not the mining operation will have a waste water wastewater discharge or air contaminant~~
20 ~~emission which that~~ will require a permit from the ~~division of environmental management; Division~~
21 ~~of Water Resources, an air contaminant emission that will require a permit from the Division of Air~~
22 ~~Quality, or will have a stormwater discharge that will require a permit from the Division of Energy,~~
23 ~~Mineral, and Land Resources;~~
- 24 (7) ~~method~~ methods to prevent physical hazard to any neighboring dwelling house, school, church,
25 hospital, commercial or industrial building, or public road if the mining excavation will come within
26 300 feet thereof;
- 27 (8) ~~measures to be taken required~~ to ~~insure~~ ensure against landslides and acid water pollution;
- 28 (9) ~~measures to be taken required~~ to minimize siltation of streams, lakes, or adjacent properties during
29 the mining operation;
- 30 (10) ~~measures to be taken required~~ to screen the mining operation from public ~~view~~ view;
- 31 (11) name of mine and location;
- 32 (12) responsible officer contact information;
- 33 (13) site contact information; and
- 34 (14) statement of authority as provided in Paragraph (f) of this Rule, when necessary.

35 (b) Information required in the reclamation plan shall ~~include~~ include methods and construction details for:

- 36 (1) intended plan for overall mine reclamation, subsequent land **use use**, and the ~~general~~ methods to be
37 used in reclaiming the affected land;

- (2) intended practices ~~to be taken~~ required to protect adjacent surface resources;
- (3) intended methods to prevent or eliminate conditions hazardous to animal or fish life in or adjacent to the affected areas;
- (4) intended methods of rehabilitation of settling ponds;
- (5) intended methods of restoration or establishment of stream channels and stream beds to a condition minimizing erosion, ~~siltation~~ siltation, and other pollution;
- (6) intended measures to stabilize slopes;
- (7) intended measures to provide for safety to persons and adjoining property in excavation in rock;
- (8) intended measures of disposal of mining refuse and control of contaminants;
- (9) provisions to prevent collection of noxious, ~~odious~~ odious, or foul water in mined areas; ~~and~~
- (10) plan for revegetation and reforestation or other surface treatment of the affected areas which ~~plan~~ shall ~~must~~ be approved in writing by one of the following prior to submission of the application:
- (A) Authorized ~~representatives~~ representative of the local soil and water conservation district having jurisdiction over lands in question;
- (B) Authorized ~~representatives~~ representative of the ~~division of forest resources, Department of Environment, Health, and Natural Resources;~~ North Carolina Forest Service within the Department of Agriculture and Consumer Services;
- (C) North Carolina Cooperative Extension County agricultural extension chairmen, County Director ~~in a county listed~~ in the ~~county(s)~~ counties where the site is located or research and extension personnel headquartered at North Carolina State University in the ~~school of agriculture and life sciences~~ School of Agriculture and Life Sciences;
- (D) North Carolina licensed ~~landscape architects;~~ Landscape Architect pursuant to G.S. 89A;
- (E) North Carolina licensed Professional Engineer pursuant to ~~G.S. 89C;~~ G.S. 89C;
- (E)(F) Private consulting ~~foresters~~ forester referred by the ~~division of forest resources,~~ Department of Environment, Health, and Natural Resources; North Carolina Forest Service within the Department of Agriculture and Consumer Services; or
- (F)(G) Others as may be approved by the ~~department;~~ Department; Provided that areas expected to be in use beyond the maximum permissible permit period, such as processing plants or stockpiles, do not require a specific revegetation plan;
- (11) In lieu of the written approval required by Subparagraph (10) of this ~~Paragraph~~ Paragraph, a plan for revegetation and reforestation developed utilizing one of the following:
- (A) North Carolina Erosion and Sedimentation Control Planning and Design Manual, ~~[Manual;]~~ including subsequent amendments and editions. The manual may be obtained free of charge at <https://www.deq.nc.gov/energy-mineral-and-land-resources/erosion-and-sediment-control/esc-design-manual/erosion-sediment-control-design-manual-rev-jan-2026/open>; or

(B) North Carolina Surface Mining Manual: A Guide for Permitting, Operation and Reclamation, [Reclamation;] including subsequent amendments and editions. The manual may be obtained free of charge at <https://www.deq.nc.gov/documents/files/nc-surface-mining-manual/download>; and

~~(11)~~(12) time schedule of reclamation that provides that reclamation activities be conducted simultaneously with mining operations whenever feasible and in any event be initiated at the earliest practicable time after completion or termination of mining on any segment and completed within two years. years unless a longer period is specifically permitted by the Department.

(c) ~~An application shall include~~ In addition to the form, the operator shall also submit two copies of a county map showing the mine location and two copies a copy of a mine map. Mine maps shall be consistent with the reclamation plan and shall should be accurate drawings, aerial [photographs] photographs, or enlarged topographic maps of the mine area and must clearly shall show the following:

- (1) property lines or affected area of mining operation;
- (2) outline of pits;
- (3) outline of stockpile areas;
- (4) outline of overburden disposal areas;
- (5) location of processing plants [(Processing plants] may be described as to location and distance from mine if sufficiently far removed.; the mine if not contiguous to the mine [property.;] property;
- (6) location and name of streams and lakes;
- (7) outline of settling ponds;
- (8) location of access roads;
- (9) mine permit boundaries;
- (10) existing and proposed contours showing all drainage areas;

~~(9)~~(11) map legend; legend, including:

- (A) name of company,
- (B) name of mine,
- (C) north arrow,
- (D) county,
- (E) scale,
- (F) date prepared,
- (G) name and title of person preparing map; and

~~(10)~~(12) names of owners of record, both public and private, of all adjoining land, land as is specified in G.S. 74-50;

(13) any unrelated use area, that has the potential to disturb the soil surface, that does not meet the definition of mining within the permit boundaries;

(14) vicinity map showing the mining operation in relation to the general area at a minimum scale of 1:24,000;

(15) drawings showing typical sections or cross sections and layout of proposed reclamation where such drawings will assist in describing reclamation;

(16) approximate limits of future reserves not included in affected area;

(17) intended reclamation for projected phases or segments when reclamation is accomplished concurrently with mining.

~~The mine maps should be correlated with the reclamation plan. The approximate areas to be mined during the life of the permit should be clearly marked.~~

~~If reclamation is to be accomplished concurrently with mining, then show segments that are to be mined and reclaimed during each year of the permit.~~

~~Add drawings showing typical sections or cross sections and layout of proposed reclamation where such drawings will assist in describing reclamation.~~

(d) An application for a mining permit shall include:

(1) The ~~name~~ names and ~~address~~ addresses of all known owners, both private and public of all land adjoining the proposed mining site as is specified in G.S. 74-50 and as determined by a diligent search of the tax records or other sources of information approved in advance by the Department ~~about property ownership in a manner reasonable calculated to identify~~ that identifies the owners of all adjoining ~~land, land and approved by the department~~ [Department.] The proposed mining site means all land to be included within the proposed permitted area;

(2) The ~~name~~ names and addresses of the county, [city] city, and town managers, who serve as the chief administrative ~~officer~~ officers, of the county or municipality of the local governments in which any part of the proposed mining site is located together with the officer's mailing address; located; and

(3) Pursuant to G.S. 74-50, ~~Proof~~ proof satisfactory to the ~~department~~ Department that the applicant has made ~~a reasonable~~ the required effort to notify all owners of record of all adjoining land and the county, city, and town mangers, who serve as the chief administrative ~~officer~~ officers, of the county or [and] municipality of the local governments in which any part of the proposed mining site is located of the pending application. Proof satisfactory to the ~~department~~ Department shall include an affidavit by the applicant ~~that he has caused~~ stating that a notice of the pending application ~~to be~~ has been sent by certified or registered mail to all known adjoining owners and to the chief administrative ~~officer~~ officers of the county or municipality. Other means of notice shall be satisfactory if approved in advance by the ~~department~~ Department.

(4) A copy of the recorded right of entry agreement that runs with the land, is binding on landowners, [lessees] lessees, and [permittees] permittees, and extinguishes permit release, providing that the landowner may not interfere with the permittee's obligations or the Department's ability to perform [reclamation.] reclamation; and

(5) Any application submitted to the Department for approval of mining activities pursuant to G.S. 74-50 shall include proof of ownership or the portion of valid and unexpired Memorandum Of Lease

1 or option from the property owner allowing mining activities for all lands to be included in the
2 permitted area as defined in G.S. 74-50(b)(3).

3 (e) An application for a mining permit shall not be deemed filed pursuant to G.S. 74-51(b) until the nonrefundable
4 permit application processing fee required pursuant to G.S. 74-54.1 is received by the Department. If the necessary
5 fee is not received within 30 days of initial receipt of the application, the application shall be denied and required to
6 be resubmitted in its entirety.

7 (f) Permit applications shall be signed as follows:

8 (1) in the case of corporations, by a principal executive officer of at least the level of vice-president, or
9 their authorized representative;

10 (2) in the case of a partnership or limited partnership, by a general partner;

11 (3) in the case of a sole proprietorship, by the proprietor;

12 (4) in the case of a municipal, ~~[state]~~ state, or other public entity by either a principal executive officer,
13 ranking ~~[official]~~ official, or other duly authorized ~~[employee]~~ employee;

14 (5) in the case of a limited liability company, by a managing member. ~~[The signature of the consulting~~
15 engineer or other agent shall be accepted on the application only if accompanied by a letter of
16 authorization from one of the individuals listed in Subparagraphs (1) through (5) of this Paragraph.]

17 (6) ~~The signature of the consulting engineer or other agent shall be accepted on the application only if~~
18 accompanied by a letter of authorization from one of the individuals listed in Subparagraphs (1)
19 through (5) of this Paragraph.

20
21 *History Note:* *Authority G.S. 74-63; 74-51; 74-53; ~~[74-56]~~ 74-56;*

22 *Eff. February 1, 1976;*

23 *Amended Eff. April 1, 1990; May 1, 1982; September 1, 1979; January 31, 1979;*

24 *Readopted Eff. August 1, 2026.*
25

1 15A NCAC 05B .0105 IS READOPTED AS PUBLISHED IN 40:08 NCR 733 AS FOLLOWS:

2
3 **15A NCAC 05B .0105 CONDITIONS WHICH MAY BE INCLUDED IN PERMIT**

4 To ~~assure~~ ensure that the ~~mining operation will comply fully~~ fully complies with the requirements and objectives of
5 the Mining Act of 1971, G.S. 74-46 through 74-68 the ~~director~~ Director may ~~approve an application or reclamation~~
6 ~~plan subject to certain conditions. Such conditions of application approval may include:~~ require that a permit or
7 reclamation plan contain conditions including:

- 8 (1) additional erosion control measures to be installed during the mining operation; ~~[operation as~~
9 ~~specified in G.S. 74-51;]~~
- 10 (2) a ~~natural~~ vegetated buffer ~~to be left~~ between any stream and the affected ~~land;~~ land when specified
11 in State or local stream protection ~~[requirements;]~~ requirements;
- 12 (3) visual screening such as existing ~~natural~~ vegetation, vegetated earthen berms, and tree plantings at
13 staggered spacing ~~spacing, etc.~~ to be installed and maintained ~~as feasible~~ between any affected land
14 and any adjoining property containing occupied buildings or public access within view of the
15 affected land; any screening conditions shall take into consideration the mining operation activities
16 that are being screened and the current usage of the neighboring ~~[property;]~~ property;
- 17 (4) erosion control measures to be taken during the construction and operation of all haul roads or access
18 roads to minimize offsite damage from ~~sediment;~~ ~~[sediment;]~~ sediment;
- 19 (5) other conditions necessary to safeguard the adjacent surface resources or ~~[wildlife;]~~ wildlife;
- 20 (6) hydrogeological analysis to assess potential influences of mine dewatering on water supply wells
21 and measures to mitigate potential adverse impacts.

22
23 *History Note:* Authority G.S. 74-63; ~~[74-51;]~~ 74-51;
24 *Eff. February 1, 1976;*
25 *Amended Eff. May 1, 1992; November 1, 1984;*
26 *Readopted Eff. August 1, 2026.*
27

1 15A NCAC 05B .0106 IS REPEAED THROUGH READOPTION AS PUBLISHED IN 40:08 NCR 733 AS
2 FOLLOWS:

3
4 **15A NCAC 05B .0106 STANDARDS FOR DENYING AN APPLICATION**

5
6 *History Note:* Authority G.S. 74-51; ~~74-58; 74-63; [74-58; 74-63;]~~
7 *Eff. February 1, 1976;*
8 *Amended Eff. November 1, 1984;*
9 *Repealed Eff. August 1, 2026.*
10

1 15A NCAC 05B .0110 IS READOPTED AS PUBLISHED IN 40:08 NCR 733 AS FOLLOWS:

2
3 **15A NCAC 05B .0110 MINING RECLAMATION REPORTS**

4 ~~The mine operator shall, by February 1 of each year during the life of the permitted operation, and within 30 days of~~
5 ~~completion or termination of mining on an area under permit, file with the department a mining reclamation report on~~
6 ~~a form prescribed by the department.~~

7 (a) ~~Upon completion of reclamation of an area of land, the operator shall notify the Department and complete a release~~
8 ~~request.~~ Notice of completion of reclamation of an area of affected land pursuant to G.S. 74-56 shall be made by
9 submitting a release request form provided by the Department that includes the details found on the reclamation report
10 as required to be filed by G.S. 74-55.

11 (b) If the Department receives a completed release request form on or before September 30, the Department may
12 shall waive the annual fee for the that permit year, year, unless the Where a site is determined to not be eligible
13 for release pursuant to G.S. 74-56, the Department may revoke the waiver prior to December 31, 31 of that same
14 year.

15
16 *History Note:* Authority G.S. 74-55; 74-56; 143B-290; [143B—290;]

17 *Eff. March 30, 1978;*

18 *Amended Eff. November 1, 1984;*

19 *Readopted Eff. August 1, 2026.*

1 15A NCAC 05B .0111 IS READOPTED AS PUBLISHED IN 40:08 NCR 733 AS FOLLOWS:

2
3 **15A NCAC 05B .0111 PUBLIC HEARINGS**

4 (a) If the ~~department~~ Department determines that there exists a significant public interest in an application for a new
5 mining permit, or for a modification that adds land to the existing permit, the ~~director~~ Director shall appoint a hearing
6 officer to conduct a public hearing on the application which shall be held no ~~sooner than 20 or later than 60 days~~ 90
7 days of from the filing of the application and before the ~~department~~ Department makes its final decision regarding the
8 application.

9 (b) At least ~~40~~ 20 days prior to the public hearing, the ~~department~~ Department shall ~~publish~~ provide notice thereof in
10 a newspaper ~~of or other media platform with~~ general coverage in the ~~[county(s)]~~ counties in which the proposed mine
11 is located. ~~The department may also give notice to the public by other means.~~ In addition, the ~~department~~ Department
12 shall cause written notice of the hearing to be sent by certified or registered mail to the applicant and to the known
13 owners of all adjoining ~~land.~~ land as specified in G.S. 74-50.

14 (c) Any person may appear at the public hearing and give oral or written comments on the proposed application. The
15 hearing officer may impose ~~reasonable~~ limitations on the length of time that any person may speak and may summarize
16 comments rather than recording them in full. The hearing officer may allow additional written comments to be
17 submitted for up to ten days after the hearing ~~hearing after which the public comment period will be considered closed~~
18 and no other public comments [can] shall be considered in the final determination of the application. ~~within a period~~
19 ~~of time he deems appropriate which shall not exceed ten days.~~

20 (d) Within ten days after the hearing or time for additional comment, the hearing officer shall prepare a written report
21 summarizing the comments that were submitted regarding the application. The report shall include copies of all written
22 comments submitted. Copies of the report shall be made available to the applicant or members of the public upon
23 request. The ~~department~~ Department shall give full consideration to all comments contained in the hearing record in
24 making its final determination on the application.

25 (e) In the event there is not a public hearing, public comments will be accepted for 60 days following the receipt of
26 the application after which the public comment period will be considered closed and no other public comments [will]
27 shall be considered in the final determination of the application.

28
29 *History Note: Authority G.S. 74-51; 74-63; 74-86;*

30 *Eff. May 1, 1982;*

31 *Readopted Eff. August 1, 2026.*

1 15A NCAC 05B .0112 IS READOPTED AS PUBLISHED IN 40:08 NCR 733 AS FOLLOWS:

3 **15A NCAC 05B .0112 PERMIT APPLICATION PROCESSING FEES**

4 (a) A nonrefundable permit application processing fee, in the amounts stated in G.S. 74-54.1, Paragraphs (b), (c) and
5 (d) of this Rule, shall be paid when an application for a new mining ~~permit~~ permit or a permit modification, ~~or a~~
6 ~~renewal permit~~ or transfer is filed in accordance with G.S. 74-51 or G.S. 74-52 and ~~15A NCAC 5B .0003, .0004, and~~
7 ~~.0005, the rules of this Subchapter.~~

8 (1) The acreage for a new permit application shall include the total acreage contained within the
9 permitted area.

10 (2) The acreage for a permit modification shall be limited to the increase in proposed acreage of affected
11 land internal to the existing permitted area plus any new acreage proposed to be added to the
12 permitted area beyond the existing permit boundary.

13 (3) The fee for a permit transfer shall remain a flat fee regardless of acreage.

14 (4) For purposes of calculations pursuant to G.S. 74-54.1, the referenced acreage ranges shall include
15 anything less than 26 acres as “0-25 acres” and anything equal to or greater than 26 acres as “26+
16 acres”.

17 (b) No fee ~~is~~ shall be required for administrative changes initiated by the Director.

18 ~~(b) A non refundable fifty dollar (\$50.00) permit application processing fee is required for minor permit~~
19 ~~modifications. Minor permit modifications include administrative changes such as ownership transfers, name~~
20 ~~changes, and bond substitutions. A minor permit modification also includes lands added to a permitted area, outside~~
21 ~~of the minimum permit buffer zone requirements, where no plans for mining related disturbance of the added lands~~
22 ~~have been approved. All other changes to the permit are major modifications. No fee is required for administrative~~
23 ~~changes initiated by the Director to correct processing errors, to change permit standards or to implement new~~
24 ~~standards.~~

25 ~~(c) A non refundable fifty dollar (\$50.00) permit application processing fee is required for permit renewal of an~~
26 ~~inactive site, provided that any previously disturbed areas have been reclaimed in a manner acceptable to the~~
27 ~~Department. Once renewed, prior to initiating any mining related disturbance, an application for a major modification~~
28 ~~and a processing fee shall be submitted to and approved by the Department. For purposes of this Paragraph, and~~
29 ~~notwithstanding Paragraph (d) of this Rule, the acreage for a major modification shall be the total acreage at the site.~~
30 ~~All other modifications to the renewed permit shall be governed by Paragraphs (b) and (d) of this Rule.~~

31 ~~(d) e) For the purposes of this Rule, acres for new permits and renewal permits means the total acreage at the site; and~~
32 ~~acres for major modification of permits means that area of land affected by the modification within the permitted mine~~
33 ~~area, or any additional land that is to be disturbed and added to an existing permitted area, or both. Each permit~~
34 ~~application shall be deemed incomplete until the permit application processing fee is paid. Schedule of Fees:~~

35
36 —MAJOR

37 TYPE	ACRES	NEW PERMIT	MODIFICATION	RENEWAL
---------	-------	------------	--------------	---------

CLAY	1 but less than 25	\$ 500	\$ 250	\$ 250
	25 but less than 50	1000	500	500
	50 or more	1500	500	500
SAND & GRAVEL,	1 but less than 5	150	100	100
GEMSTONE	5 but less than 25	250	100	100
BORROW	25 but less than 50	500	250	500
PITS	50 or more	1000	500	500
QUARRY,	1 but less than 10	250	100	100
INDUSTRIAL MINERALS,	10 but less than 25	1000	250	500
DIMENSION	25 but less than 50	1500	500	500
STONE	50 or more	2500	500	500
PEAT & PHOSPHATE	1 or more	2500	500	500
GOLD (HEAP LEACH),	1 or more	2500	500	500
TITANIUM & OTHERS				

(e) ~~Payment of the permit application processing fee shall be by check or money order made payable to the "N.C. Department of Environment, Health, and Natural Resources". The payment shall refer to the new permit, permit modification or permit renewal.~~

(f) ~~In order to comply with the limit on fees set forth in G.S. 143B-290(4)b, the Director shall, in the first half of each state fiscal year, project revenues for the fiscal year from fees collected pursuant to this Rule. If this projection shows that the statutory limit will be exceeded, the Director shall order a pro rata reduction in the fee schedule for the remainder of the fiscal year to avoid revenue collection in excess of the statutory limits.~~

(c) Any new permit issued between September 1 and December 31 shall not be required to pay the annual operating fee or submit the annual reclamation report for that same calendar year.

1
2 *History Note:* *Filed as a Temporary Rule Eff. November 1, 1990, for a Period of 180 Days to Expire on April 29,*
3 *1991;*
4 *Authority G.S. 74-54.1; 74-63; 143B-290;*
5 *ARRC Objection Lodged November 14, 1990;*
6 *ARRC Objection Removed December 20, 1990;*
7 *Eff. January 1, 1991;*
8 *Amended Eff. December 1, 1991;*
9 *Readopted Eff. August 1, 2026.*
10

1 15A NCAC 05B .0113 IS READOPTED AS PUBLISHED IN 40:08 NCR 733 WITH CHANGES AS FOLLOWS:

2
3 **15A NCAC 05B .0113 RESPONSE DEADLINE TO DEPARTMENT'S REQUEST(S)**

4 An applicant or permittee shall submit to the Department supplemental information regarding an application for a new
5 ~~permit [or] permit, modified, permit, or permit renewal~~ **permit modification,** or permit transfer within 180 days after
6 the date of receipt of the Department's written ~~request(s)~~ **request** for such information. Upon written request of the
7 applicant or permittee to the Director, an additional ~~reasonable~~ specified period of time not to exceed one year ~~shall~~
8 ~~may~~ be granted ~~upon determination of good cause~~ by the Director. ~~Additional time may be granted by the Mining~~
9 ~~and Energy Commission, provided written request is made by the applicant or permittee before the expiration of the~~
10 ~~one year period.~~

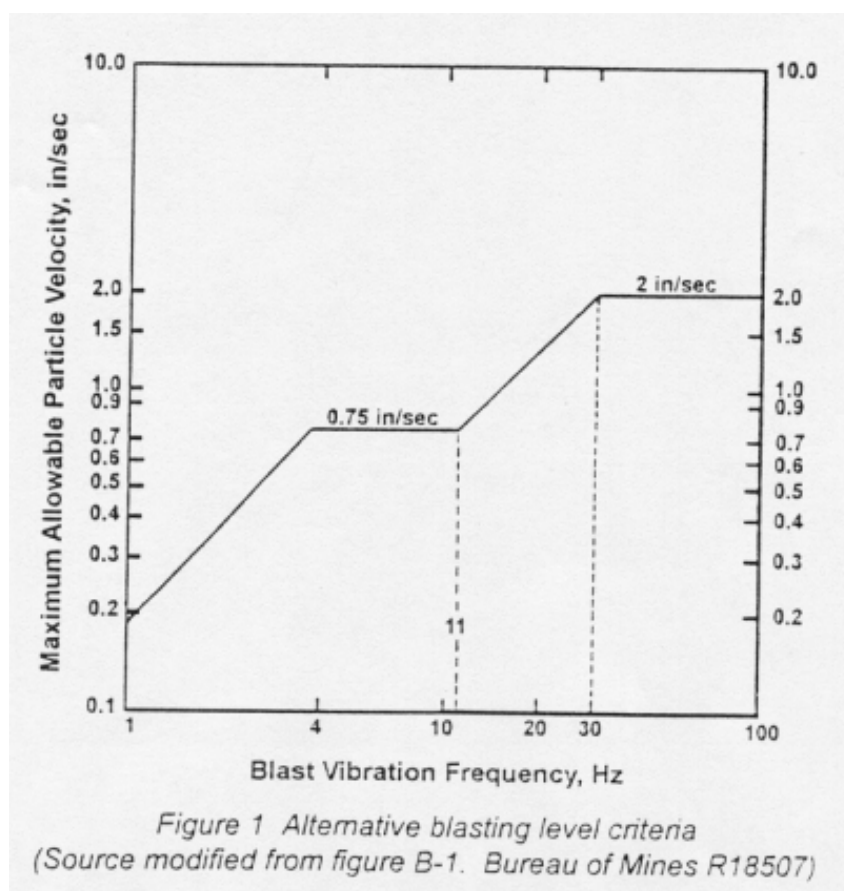
11
12 *History Note:* Authority G.S. 74-51; **74-52; 74-63; 143B-290;** ~~[74-52; 74-63; 143B-290]~~ **Note:**
13 *RRC Objection Eff. September 15, 1994 due to lack of statutory authority;*
14 *Eff. November 1, 1994;*
15 *Amended Eff. August 1, 2012 (see S.L. 2012-143, s.1.(d));*
16 *Readopted Eff. August 1, 2026.*
17

1 15A NCAC 05B .0114 IS ADOPTED AS PUBLISHED IN 40:08 NCR 733 WITH CHANGES AS FOLLOWS:

2
3 **15A NCAC 05B .0114 BLASTING**

4 (a) At any site where blasting occurs, the operator shall monitor each blast with a seismograph located at a distance
5 no farther than the closest off site regularly occupied structure not owned or leased by the operator. A seismographic
6 record including peak particle velocity, air overpressure, and vibration frequency levels shall be kept for each blast,
7 except as provided in Paragraphs (c) and (e) of this Rule.

8 (b) In all blasting operations, the maximum peak particle velocity of any component of ground motion shall not exceed
9 the alternative ground vibration limits in this Paragraph at the nearest regularly occupied building structure not owned
10 or leased by the operator outside of the permitted area such as a dwelling house, church, school, or public, commercial,
11 or institutional building.



12
13 (c) In the event of seismograph malfunction or other condition that prevents monitoring, blasting shall be conducted
14 in accordance with the following scaled distance formulas:

15 Formula from ISEE Blasters Handbook 17th Edition ISBN:1-892396-00-9

16
$$W = \left(\frac{D}{Ds}\right)^2 \quad Ds = \frac{D}{\sqrt{W}} \quad V = 160(Ds)^{-1.6}$$

W = Maximum charge weight of explosives per delay period of 8 milliseconds or more (pounds).

D = Distance from the blast site to the nearest ~~inhabited building~~ regularly occupied structure not owned or leased by the mine operator. (feet).

Ds = Scaled distance factor.

V = Peak Particle Velocity (inches per second).

The peak particle velocity of any component shall not exceed 1.0 inch per second, for the purposes of this Paragraph.

(d) Air blast overpressure resulting from surface blasting shall not exceed 129 decibels linear (dBL) as measured at the nearest regularly occupied ~~building structure~~ not owned or leased by the operator outside of the permitted area such as a dwelling house, church, school, or public, commercial, or institutional building, unless an alternate level is being used based on the sensitivity of the seismograph microphone as specified in this Paragraph of this Rule:

Lower Frequency Limit of Measuring System (Hz)	Max Level (dBL)
0.1 Hz or lower-flat response	134 peak
2.0 Hz or lower-flat response	133 peak
6.0 Hz or lower-flat response	129 peak

(e) In the event of seismograph malfunction or other condition that prevents monitoring, air blast overpressure shall be calculated utilizing ~~[blasting shall be conducted in accordance with]~~ the following formulas:

Formula from ISEE Blasters ~~[Handbook 17th]~~ Handbook 17th Edition ISBN:1-892396-00-9

$$P = 1.0 \left(\frac{D}{\sqrt[3]{W}} \right)^{-1.1}$$

$$dB = 20 \log \left(\frac{P}{2.9 \times 10^{-9}} \right)$$

P = [Airblast] Air blast overpressure average burial (pounds per square inch).

W = Maximum charge weight of explosives per delay period of 8 milliseconds or more (pounds).

D = Distance from the blast site to the nearest ~~inhabited building~~ regularly occupied structure not owned or leased by the mine operator (feet).

dB = [Airblast] Air blast overpressure average burial (decibels).

A = Air blast ~~[or air]~~ overpressure for typical quarry situations (decibels).

The ~~[air blast/overpressure]~~ air blast overpressure shall not exceed 129 decibels, for the purposes of this Paragraph.

(f) For the purposes of calculating Scale Distance, when using electronic detonators, the maximum charge weight of explosives per delay shall be calculated using actual delay of separation, with a minimum delay of 1 milliseconds. When using non-electric detonators, the maximum charge weight shall be calculated on a delay of 8 milliseconds.

1 (g) The operator shall maintain records on each individual blast describing:

- 2 (1) name of [Company] company or contractor;
3 (2) date, and time of the blast;
4 (3) type of material blasted;
5 (4) the total number of holes;
6 (5) pattern of holes and delay of intervals;
7 (6) depth and size of holes;
8 (7) type and total pounds of explosives;
9 (8) maximum pounds per 8ms delay interval;
10 (9) amount of stemming and burden for each hole;
11 (10) blast location;
12 (11) distance from blast to closest offsite regularly occupied structure;
13 (12) weather conditions at the time of the blast; and
14 (13) [Whether] whether mats or other protections were used.

15 Records shall be maintained at the permittee's mine office and copies shall be provided to the Department upon request.

16 (h) The operator shall take [all reasonable] precautions to ensure that flyrock is not thrown beyond areas where access
17 is temporarily or permanently guarded by the operator.

18 (i) The operator shall provide to the Department a copy of the findings of the seismic studies conducted at the mine
19 site by the permittee or their representative in response to an exceedance of a level allowed by [these blasting
20 conditions.] the blasting conditions set forth in this Rule. The operator shall evaluate [make an effort to incorporate]
21 the studies' recommendations for inclusion into the production blasting [program.] program to prevent future
22 exceedances of the level allowed by these blasting conditions.

23
24 History Note: Authority G.S. 74-51; 74-63;

25 Eff. August 1, 2026.

1 15A NCAC 05B .0115 IS ADOPTED AS PUBLISHED IN 40:08 NCR 733 AS FOLLOWS:

2
3 **15A NCAC 05B .0115 MINING PERMIT TRANSFERS**

4 (a) Pursuant to G.S. 74-51(i), a permit may be transferred from one operator to another, if both operators have complied
5 with the requirements of ~~[the Act.] The Mining Act of 1971.~~ The sale or lease of the operation alone ~~[does not]~~ shall
6 ~~not~~ constitute an approved transfer of the permit. Until a permit has been transferred by the Department to the successor
7 operator, the existing operator shall be held responsible for any activities at the site, including liability for any
8 documented violations at the site. Liability shall remain with the existing operator until such violations have been
9 addressed to the satisfaction of the Department and the Department has transferred the permit in its entirety to the
10 successor operator.

11 (b) A valid permit may be transferred from one operator to another provided the following information has been
12 submitted on a form furnished by the Department:

13 (1) A signed statement from the existing operator requesting that the permit be transferred to the successor
14 operator. The existing mine name and permit number shall be identified in the statement.

15 (2) A non-refundable permit transfer processing fee pursuant to G.S. 74-54.1(a).

16 (3) A signed statement from the successor operator identifying the existing mine name and permit number,
17 requesting that the permit be transferred in its entirety, and accepting all responsibilities and liabilities for
18 the site with respect to ~~[the Article.] Article 7.~~

19 (4) A mine map showing the successor operator's name and contact information, current mining permit
20 boundary, acreage table, and reference to current permit number and conditions.

21 (5) The information required in Rule .0104(a)(1) through (a)(4) and (a)(12) through ~~(a)(14)](15)]~~ of this
22 ~~[Section] Section.~~

23 (6) A copy of the recorded right of entry agreement that runs with the land, is binding on landowners, ~~[lessees]~~
24 ~~lessees,~~ and ~~[permittees] permittees,~~ and extinguishes permit release, providing that the landowner may
25 not interfere with the permittee's obligations or the Department's ability to perform reclamation.

26 (7) An acceptable security in the amount determined in Rule .0103 of this Section and using the forms
27 established in Rule .0103 of this Section covering the site. The security shall be issued in the same
28 successor operator name used in the permit transfer application.

29 (c) The permit transfer application shall be submitted to the Department no later than 60 days from the execution of
30 any purchase or lease agreement associated with a change in the responsibility for operation of the permitted site.

31 (d) Any pit expansion or other land disturbing activity anticipated within the permitted area not previously approved
32 by the Department shall require a permit modification. Expansion of permit boundaries to include additional land
33 under the permit shall require a permit modification.

34 (e) Upon approval of the permit transfer, responsibility for the full extent of the existing permitted area shall be
35 transferred to the successor operator unless the Department has authorized the release of a portion of the permitted
36 area from reclamation liability.

1 (f) Upon approval of the permit transfer, the Department shall send the new permit document to the successor operator.

2 Such permit may include updated operating and reclamation conditions to ensure compliance with ~~[the Article,~~

3 Article 7.

4 (g) The prior operator shall be notified by the Department of the completed permit transfer and that the prior operator

5 has been released from further liability with respect to the permit for the site. The security posted by the prior operator

6 to cover reclamation obligations at the site shall be returned by the Department to the prior operator provided the

7 security is no longer needed to cover other permitted sites under the prior operator's name.

8 (h) Permit transfers due to corporate name changes shall comply with Rule .0116 of this Section.

9
10 History Note: Authority G.S. 74-51; 74-54.1; 74-63;

11 Eff. August 1, 2026.

1 15A NCAC 05B .0116 IS ADOPTED AS PUBLISHED IN 40:08 NCR 733 AS FOLLOWS:
2

3 **15A NCAC 05B .0116 PERMIT TRANSFERS DUE TO CORPORATE NAME CHANGES**

4 (a) In the event that the corporate name of the operator holding the **mining** permit changes, the operator shall submit
5 a permit transfer application as follows to the Department within 60 calendar days of the effective date of the corporate
6 name change:

- 7 (1) A letter identifying the existing and new corporate names, the effective date of the new corporate
8 name, any changes in company officers and associated contact information, and each mining permit
9 number and mine name impacted by the corporate name change.
- 10 (2) The Secretary of State corporate filing certificate or other legal paperwork verifying the new
11 corporate name is registered in North Carolina.
- 12 (3) A non-refundable permit transfer processing fee for each permit affected by the corporate name
13 change pursuant to G.S. 74-54.1(a).
- 14 (4) An updated or new security in the new corporate name, **that complies with Rule .0103 of this**
15 **Section**, including any associated contact information. The updated or new security shall be in the
16 same amount as the prior security covering the reclamation obligations at the site.
- 17 (5) A copy of the recorded right of entry agreement that runs with the land, is binding on landowners,
18 **[lessees] lessees, and [permittees] permittees,** and extinguishes permit release, providing that the
19 landowner may not interfere with the permittee's obligations or the Department's ability to perform
20 reclamation.

21 (b) Upon approval of the **permit transfer application [corporate name change]**, the Department shall send a letter with
22 the updated pages of the relevant permits to the operator to attach to the existing relevant permits.

23
24 *History Note:* Authority G.S. 74-50; 74-51; 74-54.1; 74-63;

25 Eff. August 1, 2026.
26

1 15A NCAC 05B .0117 IS ADOPTED AS PUBLISHED IN 40:08 NCR 733 AS FOLLOWS:

2
3 **15A NCAC 05B .0117 DRAFT PERMITS**

4 Upon approval of an application and prior to receipt of any performance bond or security, new or updated, any
5 operating permit generated by the Department shall be considered a preliminary draft and shall not be considered
6 issued or binding, regardless of whether the draft is shared with the applicant. Where a new or modified performance
7 bond or other security is required pursuant to G.S. 74-54, [timely] approval of an application, pursuant to G.S. 74-
8 51(h), shall satisfy the requirement to grant a permit within the deadlines included in G.S. 74-51(b).

9
10 History Note: Authority G.S. 74-51; 74-63;

11 Eff. August 1, 2026.

1 15A NCAC 05F .0101 IS READOPTED AS PUBLISHED IN 40:08 NCR 733 AS FOLLOWS:

2
3 **15A NCAC 05F .0101 PURPOSE AND SCOPE**

4 These rules set forth the procedures and standards to be followed by the ~~director~~ Director in assessing civil penalties.
5 ~~Penalties and by the Mining and Energy Commission in hearing appeals from the assessment of such penalties.~~

6
7 *History Note: Authority G.S. 74-61; ~~74-62~~; 74-63; 74-64; 143B-10;*

8 *Eff. May 1, 1982;*

9 *Amended Eff. August 1, 2012 (see S.L. 2012-143, s.1.(d)); November 1, 1984;*

10 *Readopted Eff. August 1, 2026.*

1 15A NCAC 05F .0103 IS READOPTED AS PUBLISHED IN 40:08 NCR 733 AS FOLLOWS:

2
3 **15A NCAC 05F .0103 WHO MAY ASSESS**

4 Civil penalties may be assessed by the ~~director~~. Director.

5
6 *History Note: Authority G.S. 74-61; ~~74-62~~; 74-63; 74-64; 143B-10;*
7 *Eff. May 1, 1982;*
8 *Readopted Eff. August 1, 2026.*
9

1 15A NCAC 05F .0105 IS READOPTED AS PUBLISHED IN 40:08 NCR 733 AS FOLLOWS:

2
3 **15A NCAC 05F .0105 CIVIL PENALTY FOR MINING WITHOUT A PERMIT**

4 (a) Prior to the assessment of any civil penalty for mining without a permit, the alleged violator shall be given notice
5 by registered or certified mail, return receipt requested. ~~requested, signed by the Regional engineer in the region in~~
6 ~~which the violation occurred.~~ The notice shall describe the ~~violation with reasonable particularity,~~ violation, order the
7 violator ~~immediately~~ to cease mining until a valid operating permit has been obtained, and specify a time period
8 ~~reasonably~~ calculated to permit the restoration of any disturbed area. ~~area as deemed necessary by the regional~~
9 ~~engineer.~~ The notice shall also state that a civil penalty may be assessed for any violation.

10 (b) In determining whether to assess a civil penalty for any violation committed prior or subsequent to receipt of the
11 notice of violation, the ~~director~~ Director shall consider whether the violator ceased mining, restored the affected area,
12 or otherwise complied with the requirements of the notice of violation. ~~Violation and shall also consider the various~~
13 ~~criteria in Rule 5F .0007.~~ The civil penalty assessment shall specify ~~with reasonable particularity~~ the [violation(s)]
14 violations for which the penalty has been assessed and shall be transmitted to the violator by certified or registered
15 mail, return receipt requested.

16 *History Note:* Authority G.S. 74-60; ~~[74-61; 74-63; 74-64; 143-B-10;]~~ 74-61; 74-63; 74-64; 143B-10;

17 Eff. May 1, 1982;

18 Amended Eff. December 1, 1988; November 1, 1984;

19 Readopted Eff. August 1, 2026.

1 15A NCAC 05F .0106 IS READOPTED AS PUBLISHED IN 40:08 NCR 733 AS FOLLOWS:

2
3 **15A NCAC 05F .0106 CIVIL PENALTY FOR VIOLATING OPERATING PERMIT**

4 ~~(a) Prior to the assessment of a civil penalty against a permitted operator for violating any provisions of the Mining~~
5 ~~Act of 1971, or any rules promulgated thereunder, or any conditions of his mining permit, the alleged violator or his~~
6 ~~agent shall be given notice by registered or certified mail, return receipt requested, signed by the director. The notice~~
7 ~~shall describe the violation with reasonable particularity and specify a time period reasonably calculated to permit the~~
8 ~~violator to correct the violation. The notice shall also state that civil penalties may be assessed against the alleged~~
9 ~~violator if he fails to correct the violation within the specified time.~~

10 ~~(b)~~ If the violator does not comply with the requirements of the notice of [violation] violation required by G.S. 74-
11 64(a)(1) within the time period specified in the notice, the ~~director~~ Director may assess a civil penalty for any
12 [violation(s)] violations committed after the date of receipt of the notice of violation. The civil penalty assessment
13 shall specify with reasonable particularity the [violation(s)] violations for which the penalty has been assessed and
14 shall be transmitted to the violator by certified or registered mail, return receipt requested.

15 *History Note: Authority G.S. 74-60; 74-61; ~~74-62~~; 74-63; 74-64; 143B-10;*

16 *Eff. May 1, 1982;*

17 *Amended Eff. November 1, 1984;*

18 *Readopted Eff. August 1, 2026.*

1 15A NCAC 05F .0111 IS REPEAED THROUGH READOPTION AS PUBLISHED IN 40:08 NCR 733 AS
2 FOLLOWS:

3
4 **15A NCAC 05F .0111 REFERRAL TO ATTORNEY GENERAL**

5
6 *History Note: Authority G.S. 74-61; ~~74-62~~ 74-63; 74-64; 143B-10;*
7 *Eff. May 1, 1982;*
8 *Repealed Eff. August 1, 2026.*
9

1 15A NCAC 05F .0112 IS REPEAED THROUGH READOPTION AS PUBLISHED IN 40:08 NCR 733 AS
2 FOLLOWS:

3

4 **15A NCAC 05F .0112 FURTHER REMEDIES**

5

6 *History Note:* Authority G.S. 74-61; ~~74-62~~; 74-63; 74-64; 143B-10;

7 *Eff. May 1, 1982;*

8 *Amended Eff. August 1, 2012 (see S.L. 2012-143, s.1. (d));*

9 *Repealed Eff. August 1, 2026.*

10

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15A NCAC 05G .0103 IS READOPTED AS PUBLISHED IN 40:08 NCR 733 AS FOLLOWS:

15A NCAC 05G .0103 PROCEDURES FOR OBTAINING PERMITS

The application for and issuance of exploration permits ~~is~~ shall be governed by the procedures in this Subchapter.

History Note: Authority G.S. 74-77 through 74-89;

Eff. December 1, 1983;

Readopted Eff. August 1, 2026.

1 15A NCAC 05G .0104 IS READOPTED AS PUBLISHED IN 40:08 NCR 733 AS FOLLOWS:

2
3 **15A NCAC 05G .0104 ABANDONMENT PLAN: BONDING REQUIREMENTS**

4 (a) After reviewing an application, the ~~department~~ Department shall determine whether it should be approved and
5 notify the applicant of its determination. No application shall be approved unless it contains an abandonment plan
6 acceptable to the ~~department~~ Department. If the application is approved, the ~~department~~ Department shall ~~will~~
7 determine the amount of the performance bond that ~~is will be~~ required and issue to the applicant a bond form to be
8 used in securing the bond. A person shall not engage in exploration activity for the discovery of uranium until a bond
9 in the required amount has been filed with the ~~department~~ Department and an exploration permit has been issued.

10 (b) The required amount of the bond shall ~~that will be required is to be~~ determined as follows:

- 11 (1) The applicant shall provide the ~~department~~ Department with an estimate of the total length of the
12 vehicular access roads ~~that which will~~ involve the cutting of vegetation [~~and/or~~ or grading and of
13 the number of exploratory drill holes and test pits;
14 (2) The minimum amount of any bond shall be five thousand dollars (\$5,000.00). In addition to the
15 minimum bond amount of five thousand dollars (\$5,000.00), an additional bond amount shall be
16 required at the rate of two dollars (\$2.00) per each linear foot of vehicular access road and of two
17 hundred dollars (\$200.00) per each exploratory drill hole or test pit; and
18 (3) If the ~~department~~ Department determines that the amount of the bond required under Subparagraph
19 (b)(2) of this Rule is ~~either excessive or inadequate~~ to complete the required abandonment, due to
20 ~~specific site conditions~~, the ~~department~~ Department may negotiate a different bond amount that shall
21 ~~will~~ assure adequate abandonment in the event of bond forfeiture.

22 (c) A permittee shall be in violation of its permit if the length of the vehicular access roads or the number of
23 exploratory drill holes or test pits exceeds the length or number authorized by the amount of its bond.

24
25 *History Note:* Authority G.S. 74-78; ~~74-79; 74-80; 74-81; 74-86; [7479; 7486;]~~
26 *Eff. December 1, 1983;*
27 *Readopted Eff. August 1, 2026.*
28

1 15A NCAC 05G .0105 IS READOPTED AS PUBLISHED IN 40:08 NCR 733 AS FOLLOWS:

2
3 **15A NCAC 05G .0105 DRILLING: CASING: TESTING AND ABANDONMENT**

4 The methods and procedures utilized in drilling, casing, ~~testing~~ testing, and abandonment shall be in accordance with
5 the requirements of ~~Title 15A NCAC Subchapter 2C, of 15A NCAC~~ ~~[02C]~~ 02C, Section .0100, Criteria and Standards
6 Applicable to Water Supply and Certain Other Type Wells, and is hereby incorporated by reference, including
7 subsequent amendments and editions, and may be accessed free of charge at [https://www.deq.nc.gov/water-](https://www.deq.nc.gov/water-quality/planning/csu/rules-webpage/rule-ch2-sub2c-sec0100-20091001-dwq-pln-csu/download)
8 [quality/planning/csu/rules-webpage/rule-ch2-sub2c-sec0100-20091001-dwq-pln-csu/download](https://www.deq.nc.gov/water-quality/planning/csu/rules-webpage/rule-ch2-sub2c-sec0100-20091001-dwq-pln-csu/download).

9
10 *History Note:* Authority G.S. 74-78; ~~74-86; 143B-290;~~ ~~74-86; 143B-290;~~
11 *Eff. December 1, 1983;*
12 *Readopted Eff. August 1, 2026.*
13

Burgos, Alexander N

Subject: FW: [External] NC Mining Commission - Rules for July 2026 RRC Meeting

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

Sent: Monday, July 20, 2026 4:35 PM

To: Miller, Christopher S <christopher.miller@oah.nc.gov>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Everett, Jennifer <jennifer.everett@deq.nc.gov>; Parr, Adam <adam.parr@deq.nc.gov>; Young, Elizabeth S <esyoung@ncdoj.gov>

Subject: [External] NC Mining Commission - Rules for July 2026 RRC Meeting

Some people who received this message don't often get email from vunnone@ncdoj.gov. [Learn why this is important](#)

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Hi Chris,

I hope you are doing well. I am the new commission counsel for the NC Mining Commission. I am reaching out regarding your Request for Changes to the NC Mining Commission rules. I understand you set a deadline of 5:00 p.m. this afternoon to receive those changes, but I wanted to let you know that we have been working diligently to respond to your questions and complete the revisions. We expect to have our responses to you around noon tomorrow. Please feel free to reach out if you have any questions.

Best,
Victor

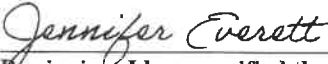


Victor A. Unnone III

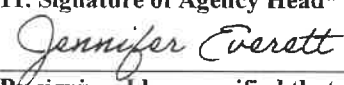
North Carolina Department of Justice
Environmental Division
919-716-6978
vunnone@ncdoj.gov
114 W. Edenton St., Raleigh, NC 27603
ncdoj.gov

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SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Mining Commission	
2. Rule citation & name (name not required for repeal): 15A NCAC 05A .0101 NAME AND ADDRESS	
3. Action: ☐ ADOPTION ☐ AMENDMENT ☐ REPEAL ☒ READoption ☐ REPEAL through READoption	
4. Rule exempt from RRC review? ☐ Yes. Cite authority: ☒ No	5. Rule automatically subject to legislative review? ☐ Yes. Cite authority: ☒ No
6. Notice for Proposed Rule: ☒ Notice Required Notice of Text published on: October 15, 2025 Link to Agency notice: https://www.deq.nc.gov/about/boards-and-commissions/nc-mining-commission Hearing on: November 18, 2025 ☒ The requirements listed in G.S. 150B-19.1(c)(1)-(5) were posted on the agency's Web site no later than the publication date of the notice of text in the N.C. Register. Adoption by Agency on: May 12, 2026 ☐ Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) ☐ Yes Agency submitted request for consultation on: Consultation not required. Cite authority: ☒ No	8. Fiscal impact. Check all that apply. ☒ This Rule was part of a combined analysis. ☐ State funds affected ☐ Local funds affected ☐ Substantial economic impact (≥\$1,000,000) ☒ Approved by OSBM ☐ No fiscal note required
9. REASON FOR ACTION 9A. What prompted this action? Check all that apply: ☒ Agency ☐ Court order / cite: ☐ Federal statute / cite: ☐ Federal regulation / cite: ☐ Legislation enacted by the General Assembly Cite Session Law: ☐ Petition for rule-making ☒ Other: G.S. 150B-21.3A Periodic review and readoption 9B. Explain: G.S. 150B-21.3A requires a periodic review and readoption of all the rules used by state agencies on at least a 10-year basis. The Mining Commission has directed the staff of the Division of Energy, Mineral and Land Resources to implement the administrative process necessary for the review of the rules in Title 15A, Chapter 05 of the North Carolina Administrative Code. The proposed rule changes are designed not only to satisfy the readoption requirement, but also to update references and terminology and to revise requirements in line with current practices and technological advancements. These updates will help ensure the rules remain accurate, relevant, and effective.	
10. Rulemaking Coordinator: Jennifer Everett Phone: 919-707-8595 E-Mail: Jennifer.everett@deq.nc.gov Additional agency contact, if any: Adam Parr Phone: 919-707-9207 E-Mail: adam.parr@deq.nc.gov	11. Signature of Agency Head* or Rule-making Coordinator:  By signing, I have verified that the information contained on this form is true and accurate to the best of my knowledge. *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Jennifer Everett Title: DEQ Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: ☐ RRC extended period of review: ☐ RRC determined substantial changes: ☐ Withdrawn by agency ☐ Subject to Legislative Review ☐ Other:	

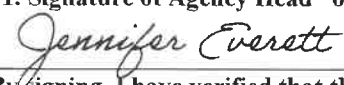
SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Mining Commission	
2. Rule citation & name (name not required for repeal): 15A NCAC 05A .0202 AUTHORITIES AND DEFINITIONS	
3. Action: ☐ ADOPTION ☐ AMENDMENT ☐ REPEAL ☒ READOPTIOIN ☐ REPEAL through READOPTIOIN	
4. Rule exempt from RRC review? ☐ Yes. Cite authority: ☒ No	5. Rule automatically subject to legislative review? ☐ Yes. Cite authority: ☒ No
6. Notice for Proposed Rule: ☒ Notice Required Notice of Text published on: October 15, 2025 Link to Agency notice: https://www.deq.nc.gov/about/boards-and-commissions/nc-mining-commission Hearing on: November 18, 2025 ☒ The requirements listed in G.S. 150B-19.1(c)(1)-(5) were posted on the agency's Web site no later than the publication date of the notice of text in the N.C. Register. Adoption by Agency on: May 12, 2026 ☐ Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) ☐ Yes Agency submitted request for consultation on: Consultation not required. Cite authority: ☒ No	8. Fiscal impact. Check all that apply. ☒ This Rule was part of a combined analysis. ☐ State funds affected ☐ Local funds affected ☐ Substantial economic impact (≥\$1,000,000) ☒ Approved by OSBM ☐ No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: ☒ Agency ☐ Court order / cite: ☐ Federal statute / cite: ☐ Federal regulation / cite: ☐ Legislation enacted by the General Assembly Cite Session Law: ☐ Petition for rule-making ☒ Other: G.S. 150B-21.3A Periodic review and readoption	
9B. Explain: G.S. 150B-21.3A requires a periodic review and readoption of all the rules used by state agencies on at least a 10-year basis. The Mining Commission has directed the staff of the Division of Energy, Mineral and Land Resources to implement the administrative process necessary for the review of the rules in Title 15A, Chapter 05 of the North Carolina Administrative Code. The proposed rule changes are designed not only to satisfy the readoption requirement, but also to update references and terminology and to revise requirements in line with current practices and technological advancements. These updates will help ensure the rules remain accurate, relevant, and effective.	
10. Rulemaking Coordinator: Jennifer Everett Phone: 919-707-8595 E-Mail: Jennifer.everett@deq.nc.gov Additional agency contact, if any: Adam Parr Phone: 919-707-9207 E-Mail: adam.parr@deq.nc.gov	11. Signature of Agency Head* or Rule-making Coordinator:  By signing, I have verified that the information contained on this form is true and accurate to the best of my knowledge. *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Jennifer Everett Title: DEQ Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: ☐ RRC extended period of review: ☐ RRC determined substantial changes: ☐ Withdrawn by agency ☐ Subject to Legislative Review ☐ Other:	

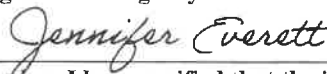
SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Mining Commission	
2. Rule citation & name (name not required for repeal): 15A NCAC 05B .0103 BONDING REQUIREMENTS	
3. Action: ☐ ADOPTION ☐ AMENDMENT ☐ REPEAL ☒ READOPTIOIN ☐ REPEAL through READOPTIOIN	
4. Rule exempt from RRC review? ☐ Yes. Cite authority: ☒ No	5. Rule automatically subject to legislative review? ☐ Yes. Cite authority: ☒ No
6. Notice for Proposed Rule: ☒ Notice Required Notice of Text published on: October 15, 2025 Link to Agency notice: https://www.deq.nc.gov/about/boards-and-commissions/nc-mining-commission Hearing on: November 18, 2025 ☒ The requirements listed in G.S. 150B-19.1(c)(1)-(5) were posted on the agency's Web site no later than the publication date of the notice of text in the N.C. Register. Adoption by Agency on: May 12, 2026 ☐ Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) ☐ Yes Agency submitted request for consultation on: Consultation not required. Cite authority: ☒ No	8. Fiscal impact. Check all that apply. ☒ This Rule was part of a combined analysis. ☐ State funds affected ☐ Local funds affected ☒ Substantial economic impact (≥\$1,000,000) ☒ Approved by OSBM ☐ No fiscal note required
9. REASON FOR ACTION 9A. What prompted this action? Check all that apply: ☒ Agency ☐ Court order / cite: ☐ Federal statute / cite: ☐ Federal regulation / cite: ☐ Legislation enacted by the General Assembly Cite Session Law: ☐ Petition for rule-making ☒ Other: G.S. 150B-21.3A Periodic review and readoption 9B. Explain: G.S. 150B-21.3A requires a periodic review and readoption of all the rules used by state agencies on at least a 10-year basis. The Mining Commission has directed the staff of the Division of Energy, Mineral and Land Resources to implement the administrative process necessary for the review of the rules in Title 15A, Chapter 05 of the North Carolina Administrative Code. The proposed rule changes are designed not only to satisfy the readoption requirement, but also to update references and terminology and to revise requirements in line with current practices and technological advancements. These updates will help ensure the rules remain accurate, relevant, and effective.	
10. Rulemaking Coordinator: Jennifer Everett Phone: 919-707-8595 E-Mail: Jennifer.everett@deq.nc.gov Additional agency contact, if any: Adam Parr Phone: 919-707-9207 E-Mail: adam.parr@deq.nc.gov	11. Signature of Agency Head* or Rule-making Coordinator:  By signing, I have verified that the information contained on this form is true and accurate to the best of my knowledge. *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Jennifer Everett Title: DEQ Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: ☐ RRC extended period of review: ☐ RRC determined substantial changes: ☐ Withdrawn by agency ☐ Subject to Legislative Review ☐ Other:	

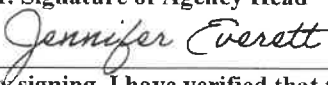
SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Mining Commission	
2. Rule citation & name (name not required for repeal): 15A NCAC 05B .0104 INFORMATION REQUIRED IN PERMIT APPLICATION	
3. Action: ☐ ADOPTION ☐ AMENDMENT ☐ REPEAL ☒ READOPTIOIN ☐ REPEAL through READOPTIOIN	
4. Rule exempt from RRC review? ☐ Yes. Cite authority: ☒ No	5. Rule automatically subject to legislative review? ☐ Yes. Cite authority: ☒ No
6. Notice for Proposed Rule: ☒ Notice Required Notice of Text published on: October 15, 2025 Link to Agency notice: https://www.deq.nc.gov/about/boards-and-commissions/nc-mining-commission Hearing on: November 18, 2025 ☒ The requirements listed in G.S. 150B-19.1(c)(1)-(5) were posted on the agency's Web site no later than the publication date of the notice of text in the N.C. Register. Adoption by Agency on: May 12, 2026 ☐ Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) ☐ Yes Agency submitted request for consultation on: Consultation not required. Cite authority: ☒ No	8. Fiscal impact. Check all that apply. ☒ This Rule was part of a combined analysis. ☐ State funds affected ☐ Local funds affected ☐ Substantial economic impact (≥\$1,000,000) ☒ Approved by OSBM ☐ No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: ☒ Agency ☐ Court order / cite: ☐ Federal statute / cite: ☐ Federal regulation / cite: ☐ Legislation enacted by the General Assembly Cite Session Law: ☐ Petition for rule-making ☒ Other: G.S. 150B-21.3A Periodic review and readoption	
9B. Explain: G.S. 150B-21.3A requires a periodic review and readoption of all the rules used by state agencies on at least a 10-year basis. The Mining Commission has directed the staff of the Division of Energy, Mineral and Land Resources to implement the administrative process necessary for the review of the rules in Title 15A, Chapter 05 of the North Carolina Administrative Code. The proposed rule changes are designed not only to satisfy the readoption requirement, but also to update references and terminology and to revise requirements in line with current practices and technological advancements. These updates will help ensure the rules remain accurate, relevant, and effective. In subparagraphs (c)(12) through (c)(17) is proposed language that was not shown as underlined in the register, but is now underlined.	
10. Rulemaking Coordinator: Jennifer Everett Phone: 919-707-8595 E-Mail: Jennifer.everett@deq.nc.gov Additional agency contact, if any: Adam Parr Phone: 919-707-9207 E-Mail: adam.parr@deq.nc.gov	11. Signature of Agency Head* or Rule-making Coordinator:  By signing, I have verified that the information contained on this form is true and accurate to the best of my knowledge. *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Jennifer Everett Title: DEQ Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: ☐ RRC extended period of review: ☐ RRC determined substantial changes: ☐ Withdrawn by agency ☐ Subject to Legislative Review ☐ Other:	

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Mining Commission	
2. Rule citation & name (name not required for repeal): 15A NCAC 05B .0105 CONDITIONS WHICH MAY BE INCLUDED IN PERMIT	
3. Action: ☐ ADOPTION ☐ AMENDMENT ☐ REPEAL ☒ READOPTION ☐ REPEAL through READOPTION	
4. Rule exempt from RRC review? ☐ Yes. Cite authority: ☒ No	5. Rule automatically subject to legislative review? ☐ Yes. Cite authority: ☒ No
6. Notice for Proposed Rule: ☒ Notice Required Notice of Text published on: October 15, 2025 Link to Agency notice: https://www.deq.nc.gov/about/boards-and-commissions/nc-mining-commission Hearing on: November 18, 2025 ☒ The requirements listed in G.S. 150B-19.1(c)(1)-(5) were posted on the agency's Web site no later than the publication date of the notice of text in the N.C. Register. Adoption by Agency on: May 12, 2026 ☐ Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) ☐ Yes Agency submitted request for consultation on: Consultation not required. Cite authority: ☒ No	8. Fiscal impact. Check all that apply. ☒ This Rule was part of a combined analysis. ☐ State funds affected ☐ Local funds affected ☐ Substantial economic impact (≥\$1,000,000) ☒ Approved by OSBM ☐ No fiscal note required
9. REASON FOR ACTION 9A. What prompted this action? Check all that apply: ☒ Agency ☐ Court order / cite: ☐ Federal statute / cite: ☐ Federal regulation / cite: ☐ Legislation enacted by the General Assembly Cite Session Law: ☐ Petition for rule-making ☒ Other: G.S. 150B-21.3A Periodic review and readoption 9B. Explain: G.S. 150B-21.3A requires a periodic review and readoption of all the rules used by state agencies on at least a 10-year basis. The Mining Commission has directed the staff of the Division of Energy, Mineral and Land Resources to implement the administrative process necessary for the review of the rules in Title 15A, Chapter 05 of the North Carolina Administrative Code. The proposed rule changes are designed not only to satisfy the readoption requirement, but also to update references and terminology and to revise requirements in line with current practices and technological advancements. These updates will help ensure the rules remain accurate, relevant, and effective.	
10. Rulemaking Coordinator: Jennifer Everett Phone: 919-707-8595 E-Mail: Jennifer.everett@deq.nc.gov Additional agency contact, if any: Adam Parr Phone: 919-707-9207 E-Mail: adam.parr@deq.nc.gov	11. Signature of Agency Head* or Rule-making Coordinator:  By signing, I have verified that the information contained on this form is true and accurate to the best of my knowledge. *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Jennifer Everett Title: DEQ Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: ☐ RRC extended period of review: ☐ RRC determined substantial changes: ☐ Withdrawn by agency ☐ Subject to Legislative Review ☐ Other:	

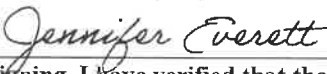
SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Mining Commission	
2. Rule citation & name (name not required for repeal): 15A NCAC 05B .0106	
3. Action: ☐ ADOPTION ☐ AMENDMENT ☐ REPEAL ☐ READOPTION ☒ REPEAL through READOPTION	
4. Rule exempt from RRC review? ☐ Yes. Cite authority: ☒ No	5. Rule automatically subject to legislative review? ☐ Yes. Cite authority: ☒ No
6. Notice for Proposed Rule: ☒ Notice Required Notice of Text published on: October 15, 2025 Link to Agency notice: https://www.deq.nc.gov/about/boards-and-commissions/nc-mining-commission Hearing on: November 18, 2025 ☒ The requirements listed in G.S. 150B-19.1(c)(1)-(5) were posted on the agency's Web site no later than the publication date of the notice of text in the N.C. Register. Adoption by Agency on: May 12, 2026 ☐ Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) ☐ Yes Agency submitted request for consultation on: Consultation not required. Cite authority: ☒ No	8. Fiscal impact. Check all that apply. ☒ This Rule was part of a combined analysis. ☐ State funds affected ☐ Local funds affected ☐ Substantial economic impact (≥\$1,000,000) ☒ Approved by OSBM ☐ No fiscal note required
9. REASON FOR ACTION 9A. What prompted this action? Check all that apply: ☒ Agency ☐ Court order / cite: ☐ Federal statute / cite: ☐ Federal regulation / cite: ☐ Legislation enacted by the General Assembly Cite Session Law: ☐ Petition for rule-making ☒ Other: G.S. 150B-21.3A Periodic review and readoption 9B. Explain: G.S. 150B-21.3A requires a periodic review and readoption of all the rules used by state agencies on at least a 10-year basis. The Mining Commission has directed the staff of the Division of Energy, Mineral and Land Resources to implement the administrative process necessary for the review of the rules in Title 15A, Chapter 05 of the North Carolina Administrative Code. The proposed rule changes are designed not only to satisfy the readoption requirement, but also to update references and terminology and to revise requirements in line with current practices and technological advancements. These updates will help ensure the rules remain accurate, relevant, and effective.	
10. Rulemaking Coordinator: Jennifer Everett Phone: 919-707-8595 E-Mail: Jennifer.everett@deq.nc.gov Additional agency contact, if any: Adam Parr Phone: 919-707-9207 E-Mail: adam.parr@deq.nc.gov	11. Signature of Agency Head* or Rule-making Coordinator:  By signing, I have verified that the information contained on this form is true and accurate to the best of my knowledge. *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Jennifer Everett Title: DEQ Rulemaking Coordinator
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Action taken: ☐ RRC extended period of review: ☐ RRC determined substantial changes: ☐ Withdrawn by agency ☐ Subject to Legislative Review ☐ Other:	

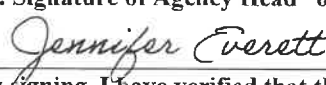
SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Mining Commission	
2. Rule citation & name (name not required for repeal): 15A NCAC 05B .0110 MINING RECLAMATION REPORTS	
3. Action: ☐ ADOPTION ☐ AMENDMENT ☐ REPEAL ☒ READOPTIOIN ☐ REPEAL through READOPTIOIN	
4. Rule exempt from RRC review? ☐ Yes. Cite authority: ☒ No	5. Rule automatically subject to legislative review? ☐ Yes. Cite authority: ☒ No
6. Notice for Proposed Rule: ☒ Notice Required Notice of Text published on: October 15, 2025 Link to Agency notice: https://www.deq.nc.gov/about/boards-and-commissions/nc-mining-commission Hearing on: November 18, 2025 ☒ The requirements listed in G.S. 150B-19.1(c)(1)-(5) were posted on the agency's Web site no later than the publication date of the notice of text in the N.C. Register. Adoption by Agency on: May 12, 2026 ☐ Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) ☐ Yes Agency submitted request for consultation on: Consultation not required. Cite authority: ☒ No	8. Fiscal impact. Check all that apply. ☒ This Rule was part of a combined analysis. ☐ State funds affected ☐ Local funds affected ☐ Substantial economic impact (≥\$1,000,000) ☒ Approved by OSBM ☐ No fiscal note required
9. REASON FOR ACTION 9A. What prompted this action? Check all that apply: ☒ Agency ☐ Court order / cite: ☐ Federal statute / cite: ☐ Federal regulation / cite: ☐ Legislation enacted by the General Assembly Cite Session Law: ☐ Petition for rule-making ☒ Other: G.S. 150B-21.3A Periodic review and readoption 9B. Explain: G.S. 150B-21.3A requires a periodic review and readoption of all the rules used by state agencies on at least a 10-year basis. The Mining Commission has directed the staff of the Division of Energy, Mineral and Land Resources to implement the administrative process necessary for the review of the rules in Title 15A, Chapter 05 of the North Carolina Administrative Code. The proposed rule changes are designed not only to satisfy the readoption requirement, but also to update references and terminology and to revise requirements in line with current practices and technological advancements. These updates will help ensure the rules remain accurate, relevant, and effective.	
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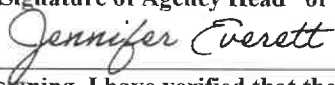
SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Mining Commission	
2. Rule citation & name (name not required for repeal): 15A NCAC 05B .0111 PUBLIC HEARINGS	
3. Action: ☐ ADOPTION ☐ AMENDMENT ☐ REPEAL ☒ READOPTIOIN ☐ REPEAL through READOPTIOIN	
4. Rule exempt from RRC review? ☐ Yes. Cite authority: ☒ No	5. Rule automatically subject to legislative review? ☐ Yes. Cite authority: ☒ No
6. Notice for Proposed Rule: ☒ Notice Required Notice of Text published on: October 15, 2025 Link to Agency notice: https://www.deq.nc.gov/about/boards-and-commissions/nc-mining-commission Hearing on: November 18, 2025 ☒ The requirements listed in G.S. 150B-19.1(c)(1)-(5) were posted on the agency's Web site no later than the publication date of the notice of text in the N.C. Register. Adoption by Agency on: May 12, 2026 ☐ Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) ☐ Yes Agency submitted request for consultation on: Consultation not required. Cite authority: ☒ No	8. Fiscal impact. Check all that apply. ☒ This Rule was part of a combined analysis. ☐ State funds affected ☐ Local funds affected ☐ Substantial economic impact (≥\$1,000,000) ☒ Approved by OSBM ☐ No fiscal note required
9. REASON FOR ACTION 9A. What prompted this action? Check all that apply: ☒ Agency ☐ Court order / cite: ☐ Federal statute / cite: ☐ Federal regulation / cite: ☐ Legislation enacted by the General Assembly Cite Session Law: ☐ Petition for rule-making ☒ Other: G.S. 150B-21.3A Periodic review and readoption 9B. Explain: G.S. 150B-21.3A requires a periodic review and readoption of all the rules used by state agencies on at least a 10-year basis. The Mining Commission has directed the staff of the Division of Energy, Mineral and Land Resources to implement the administrative process necessary for the review of the rules in Title 15A, Chapter 05 of the North Carolina Administrative Code. The proposed rule changes are designed not only to satisfy the readoption requirement, but also to update references and terminology and to revise requirements in line with current practices and technological advancements. These updates will help ensure the rules remain accurate, relevant, and effective.	
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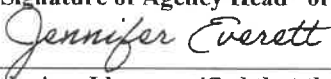
SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Mining Commission	
2. Rule citation & name (name not required for repeal): 15A NCAC 05B .0112 PERMIT APPLICATION PROCESSING FEES	
3. Action: ☐ ADOPTION ☐ AMENDMENT ☐ REPEAL ☒ READoption ☐ REPEAL through READoption	
4. Rule exempt from RRC review? ☐ Yes. Cite authority: ☒ No	5. Rule automatically subject to legislative review? ☐ Yes. Cite authority: ☒ No
6. Notice for Proposed Rule: ☒ Notice Required Notice of Text published on: October 15, 2025 Link to Agency notice: https://www.deq.nc.gov/about/boards-and-commissions/nc-mining-commission Hearing on: November 18, 2025 ☒ The requirements listed in G.S. 150B-19.1(c)(1)-(5) were posted on the agency's Web site no later than the publication date of the notice of text in the N.C. Register. Adoption by Agency on: May 12, 2026 ☐ Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) ☐ Yes Agency submitted request for consultation on: Consultation not required. Cite authority: ☒ No	8. Fiscal impact. Check all that apply. ☒ This Rule was part of a combined analysis. ☐ State funds affected ☐ Local funds affected ☐ Substantial economic impact (≥\$1,000,000) ☒ Approved by OSBM ☐ No fiscal note required
9. REASON FOR ACTION 9A. What prompted this action? Check all that apply: ☒ Agency ☐ Court order / cite: ☐ Federal statute / cite: ☐ Federal regulation / cite: ☐ Legislation enacted by the General Assembly Cite Session Law: ☐ Petition for rule-making ☒ Other: G.S. 150B-21.3A Periodic review and readoption 9B. Explain: G.S. 150B-21.3A requires a periodic review and readoption of all the rules used by state agencies on at least a 10-year basis. The Mining Commission has directed the staff of the Division of Energy, Mineral and Land Resources to implement the administrative process necessary for the review of the rules in Title 15A, Chapter 05 of the North Carolina Administrative Code. The proposed rule changes are designed not only to satisfy the readoption requirement, but also to update references and terminology and to revise requirements in line with current practices and technological advancements. These updates will help ensure the rules remain accurate, relevant, and effective.	
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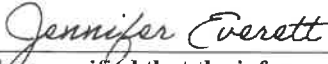
SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Mining Commission	
2. Rule citation & name (name not required for repeal): 15A NCAC 05B .0113 RESPONSE DEADLINE TO DEPARTMENT'S REQUEST(S)	
3. Action: ☐ ADOPTION ☐ AMENDMENT ☐ REPEAL ☒ READOPTIOIN ☐ REPEAL through READOPTIOIN	
4. Rule exempt from RRC review? ☐ Yes. Cite authority: ☒ No	5. Rule automatically subject to legislative review? ☐ Yes. Cite authority: ☒ No
6. Notice for Proposed Rule: ☒ Notice Required Notice of Text published on: October 15, 2025 Link to Agency notice: https://www.deq.nc.gov/about/boards-and-commissions/nc-mining-commission Hearing on: November 18, 2025 ☒ The requirements listed in G.S. 150B-19.1(c)(1)-(5) were posted on the agency's Web site no later than the publication date of the notice of text in the N.C. Register. Adoption by Agency on: May 12, 2026 ☐ Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) ☐ Yes Agency submitted request for consultation on: Consultation not required. Cite authority: ☒ No	8. Fiscal impact. Check all that apply. ☒ This Rule was part of a combined analysis. ☐ State funds affected ☐ Local funds affected ☐ Substantial economic impact (≥\$1,000,000) ☒ Approved by OSBM ☐ No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: ☒ Agency ☐ Court order / cite: ☐ Federal statute / cite: ☐ Federal regulation / cite: ☐ Legislation enacted by the General Assembly Cite Session Law: ☐ Petition for rule-making ☒ Other: G.S. 150B-21.3A Periodic review and readoption	
9B. Explain: G.S. 150B-21.3A requires a periodic review and readoption of all the rules used by state agencies on at least a 10-year basis. The Mining Commission has directed the staff of the Division of Energy, Mineral and Land Resources to implement the administrative process necessary for the review of the rules in Title 15A, Chapter 05 of the North Carolina Administrative Code. The proposed rule changes are designed not only to satisfy the readoption requirement, but also to update references and terminology and to revise requirements in line with current practices and technological advancements. These updates will help ensure the rules remain accurate, relevant, and effective.	
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RRC AND OAH USE ONLY	
Action taken: ☐ RRC extended period of review: ☐ RRC determined substantial changes: ☐ Withdrawn by agency ☐ Subject to Legislative Review ☐ Other:	

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Mining Commission	
2. Rule citation & name (name not required for repeal): 15A NCAC 05B .0114 BLASTING	
3. Action: ☒ ADOPTION ☐ AMENDMENT ☐ REPEAL ☐ READoption ☐ REPEAL through READoption	
4. Rule exempt from RRC review? ☐ Yes. Cite authority: ☒ No	5. Rule automatically subject to legislative review? ☐ Yes. Cite authority: ☒ No
6. Notice for Proposed Rule: ☒ Notice Required Notice of Text published on: October 15, 2025 Link to Agency notice: https://www.deq.nc.gov/about/boards-and-commissions/nc-mining-commission Hearing on: November 18, 2025 ☒ The requirements listed in G.S. 150B-19.1(c)(1)-(5) were posted on the agency's Web site no later than the publication date of the notice of text in the N.C. Register. Adoption by Agency on: May 12, 2026 ☐ Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) ☐ Yes Agency submitted request for consultation on: Consultation not required. Cite authority: ☒ No	8. Fiscal impact. Check all that apply. ☒ This Rule was part of a combined analysis. ☐ State funds affected ☐ Local funds affected ☐ Substantial economic impact (≥\$1,000,000) ☒ Approved by OSBM ☐ No fiscal note required
9. REASON FOR ACTION 9A. What prompted this action? Check all that apply: ☒ Agency ☐ Court order / cite: ☐ Federal statute / cite: ☐ Federal regulation / cite: ☐ Legislation enacted by the General Assembly Cite Session Law: ☐ Petition for rule-making ☒ Other: G.S. 150B-21.3A Periodic review and readoption 9B. Explain: G.S. 150B-21.3A requires a periodic review and readoption of all the rules used by state agencies on at least a 10-year basis. The Mining Commission has directed the staff of the Division of Energy, Mineral and Land Resources to implement the administrative process necessary for the review of the rules in Title 15A, Chapter 05 of the North Carolina Administrative Code. The proposed rule changes are designed not only to satisfy the readoption requirement, but also to update references and terminology and to revise requirements in line with current practices and technological advancements. These updates will help ensure the rules remain accurate, relevant, and effective.	
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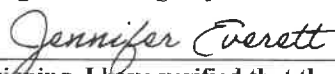
SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Mining Commission	
2. Rule citation & name (name not required for repeal): 15A NCAC 05B .0115 MINING PERMIT TRANSFERS	
3. Action: ☒ ADOPTION ☐ AMENDMENT ☐ REPEAL ☐ READOPTIO ☐ REPEAL through READOPTIO	
4. Rule exempt from RRC review? ☐ Yes. Cite authority: ☒ No	5. Rule automatically subject to legislative review? ☐ Yes. Cite authority: ☒ No
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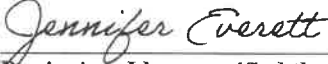
SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Mining Commission	
2. Rule citation & name (name not required for repeal): 15A NCAC 05B .0116 PERMIT TRANSFERS DUE TO CORPORATE NAME CHANGES	
3. Action: ☒ ADOPTION ☐ AMENDMENT ☐ REPEAL ☐ READoption ☐ REPEAL through READoption	
4. Rule exempt from RRC review? ☐ Yes. Cite authority: ☒ No	5. Rule automatically subject to legislative review? ☐ Yes. Cite authority: ☒ No
6. Notice for Proposed Rule: ☒ Notice Required Notice of Text published on: October 15, 2025 Link to Agency notice: https://www.deq.nc.gov/about/boards-and-commissions/nc-mining-commission Hearing on: November 18, 2025 ☒ The requirements listed in G.S. 150B-19.1(c)(1)-(5) were posted on the agency's Web site no later than the publication date of the notice of text in the N.C. Register. Adoption by Agency on: May 12, 2026 ☐ Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) ☐ Yes Agency submitted request for consultation on: Consultation not required. Cite authority: ☒ No	8. Fiscal impact. Check all that apply. ☒ This Rule was part of a combined analysis. ☐ State funds affected ☐ Local funds affected ☐ Substantial economic impact (≥\$1,000,000) ☒ Approved by OSBM ☐ No fiscal note required
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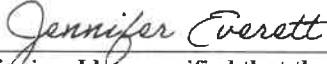
SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Mining Commission	
2. Rule citation & name (name not required for repeal): 15A NCAC 05B 05B .0117 DRAFT PERMITS	
3. Action: ☒ ADOPTION ☐ AMENDMENT ☐ REPEAL ☐ READOPTIO ☐ REPEAL through READOPTIO	
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9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: ☒ Agency ☐ Court order / cite: ☐ Federal statute / cite: ☐ Federal regulation / cite: ☐ Legislation enacted by the General Assembly Cite Session Law: ☐ Petition for rule-making ☒ Other: G.S. 150B-21.3A Periodic review and readoption	
9B. Explain: G.S. 150B-21.3A requires a periodic review and readoption of all the rules used by state agencies on at least a 10-year basis. The Mining Commission has directed the staff of the Division of Energy, Mineral and Land Resources to implement the administrative process necessary for the review of the rules in Title 15A, Chapter 05 of the North Carolina Administrative Code. The proposed rule changes are designed not only to satisfy the readoption requirement, but also to update references and terminology and to revise requirements in line with current practices and technological advancements. These updates will help ensure the rules remain accurate, relevant, and effective.	
10. Rulemaking Coordinator: Jennifer Everett Phone: 919-707-8595 E-Mail: Jennifer.everett@deq.nc.gov Additional agency contact, if any: Adam Parr Phone: 919-707-9207 E-Mail: adam.parr@deq.nc.gov	11. Signature of Agency Head* or Rule-making Coordinator:  By signing, I have verified that the information contained on this form is true and accurate to the best of my knowledge. *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Jennifer Everett Title: DEQ Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: ☐ RRC extended period of review: ☐ RRC determined substantial changes: ☐ Withdrawn by agency ☐ Subject to Legislative Review ☐ Other:	

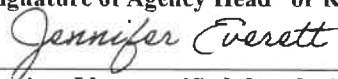
SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Mining Commission	
2. Rule citation & name (name not required for repeal): 15A NCAC 05F .0101 PURPOSE AND SCOPE	
3. Action: ☐ ADOPTION ☐ AMENDMENT ☐ REPEAL ☒ READoption ☐ REPEAL through READoption	
4. Rule exempt from RRC review? ☐ Yes. Cite authority: ☒ No	5. Rule automatically subject to legislative review? ☐ Yes. Cite authority: ☒ No
6. Notice for Proposed Rule: ☒ Notice Required Notice of Text published on: October 15, 2025 Link to Agency notice: https://www.deq.nc.gov/about/boards-and-commissions/nc-mining-commission Hearing on: November 18, 2025 ☒ The requirements listed in G.S. 150B-19.1(c)(1)-(5) were posted on the agency's Web site no later than the publication date of the notice of text in the N.C. Register. Adoption by Agency on: May 12, 2026 ☐ Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) ☐ Yes Agency submitted request for consultation on: Consultation not required. Cite authority: ☒ No	8. Fiscal impact. Check all that apply. ☒ This Rule was part of a combined analysis. ☐ State funds affected ☐ Local funds affected ☐ Substantial economic impact (≥\$1,000,000) ☒ Approved by OSBM ☐ No fiscal note required
9. REASON FOR ACTION 9A. What prompted this action? Check all that apply: ☒ Agency ☐ Court order / cite: ☐ Federal statute / cite: ☐ Federal regulation / cite: ☐ Legislation enacted by the General Assembly Cite Session Law: ☐ Petition for rule-making ☒ Other: G.S. 150B-21.3A Periodic review and readoption 9B. Explain: G.S. 150B-21.3A requires a periodic review and readoption of all the rules used by state agencies on at least a 10-year basis. The Mining Commission has directed the staff of the Division of Energy, Mineral and Land Resources to implement the administrative process necessary for the review of the rules in Title 15A, Chapter 05 of the North Carolina Administrative Code. The proposed rule changes are designed not only to satisfy the readoption requirement, but also to update references and terminology and to revise requirements in line with current practices and technological advancements. These updates will help ensure the rules remain accurate, relevant, and effective.	
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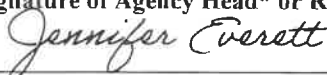
SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Mining Commission	
2. Rule citation & name (name not required for repeal): 15A NCAC 05F .0103 WHO MAY ASSESS	
3. Action: ☐ ADOPTION ☐ AMENDMENT ☐ REPEAL ☒ READoption ☐ REPEAL through READoption	
4. Rule exempt from RRC review? ☐ Yes. Cite authority: ☒ No	5. Rule automatically subject to legislative review? ☐ Yes. Cite authority: ☒ No
6. Notice for Proposed Rule: ☒ Notice Required Notice of Text published on: October 15, 2025 Link to Agency notice: https://www.deq.nc.gov/about/boards-and-commissions/nc-mining-commission Hearing on: November 18, 2025 ☒ The requirements listed in G.S. 150B-19.1(c)(1)-(5) were posted on the agency's Web site no later than the publication date of the notice of text in the N.C. Register. Adoption by Agency on: May 12, 2026 ☐ Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) ☐ Yes Agency submitted request for consultation on: Consultation not required. Cite authority: ☒ No	8. Fiscal impact. Check all that apply. ☒ This Rule was part of a combined analysis. ☐ State funds affected ☐ Local funds affected ☐ Substantial economic impact (≥\$1,000,000) ☒ Approved by OSBM ☐ No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: ☒ Agency ☐ Court order / cite: ☐ Federal statute / cite: ☐ Federal regulation / cite: ☐ Legislation enacted by the General Assembly Cite Session Law: ☐ Petition for rule-making ☒ Other: G.S. 150B-21.3A Periodic review and readoption	
9B. Explain: G.S. 150B-21.3A requires a periodic review and readoption of all the rules used by state agencies on at least a 10-year basis. The Mining Commission has directed the staff of the Division of Energy, Mineral and Land Resources to implement the administrative process necessary for the review of the rules in Title 15A, Chapter 05 of the North Carolina Administrative Code. The proposed rule changes are designed not only to satisfy the readoption requirement, but also to update references and terminology and to revise requirements in line with current practices and technological advancements. These updates will help ensure the rules remain accurate, relevant, and effective.	
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RRC AND OAH USE ONLY	
Action taken: ☐ RRC extended period of review: ☐ RRC determined substantial changes: ☐ Withdrawn by agency ☐ Subject to Legislative Review ☐ Other:	

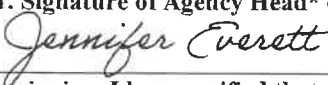
SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Mining Commission	
2. Rule citation & name (name not required for repeal): 15A NCAC 05F .0105 CIVIL PENALTY FOR MINING WITHOUT A PERMIT	
3. Action: ☐ ADOPTION ☐ AMENDMENT ☐ REPEAL ☒ READoption ☐ REPEAL through READoption	
4. Rule exempt from RRC review? ☐ Yes. Cite authority: ☒ No	5. Rule automatically subject to legislative review? ☐ Yes. Cite authority: ☒ No
6. Notice for Proposed Rule: ☒ Notice Required Notice of Text published on: October 15, 2025 Link to Agency notice: https://www.deq.nc.gov/about/boards-and-commissions/nc-mining-commission Hearing on: November 18, 2025 ☒ The requirements listed in G.S. 150B-19.1(c)(1)-(5) were posted on the agency's Web site no later than the publication date of the notice of text in the N.C. Register. Adoption by Agency on: May 12, 2026 ☐ Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) ☐ Yes Agency submitted request for consultation on: Consultation not required. Cite authority: ☒ No	8. Fiscal impact. Check all that apply. ☒ This Rule was part of a combined analysis. ☐ State funds affected ☐ Local funds affected ☐ Substantial economic impact (≥\$1,000,000) ☒ Approved by OSBM ☐ No fiscal note required
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9A. What prompted this action? Check all that apply: ☒ Agency ☐ Court order / cite: ☐ Federal statute / cite: ☐ Federal regulation / cite: ☐ Legislation enacted by the General Assembly Cite Session Law: ☐ Petition for rule-making ☒ Other: G.S. 150B-21.3A Periodic review and readoption	
9B. Explain: G.S. 150B-21.3A requires a periodic review and readoption of all the rules used by state agencies on at least a 10-year basis. The Mining Commission has directed the staff of the Division of Energy, Mineral and Land Resources to implement the administrative process necessary for the review of the rules in Title 15A, Chapter 05 of the North Carolina Administrative Code. The proposed rule changes are designed not only to satisfy the readoption requirement, but also to update references and terminology and to revise requirements in line with current practices and technological advancements. These updates will help ensure the rules remain accurate, relevant, and effective.	
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RRC AND OAH USE ONLY	
Action taken: ☐ RRC extended period of review: ☐ RRC determined substantial changes: ☐ Withdrawn by agency ☐ Subject to Legislative Review ☐ Other:	

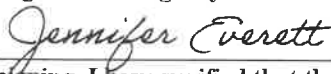
SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Mining Commission	
2. Rule citation & name (name not required for repeal): 15A NCAC 05F .0106 CIVIL PENALTY FOR VIOLATING OPERATING PERMIT	
3. Action: ☐ ADOPTION ☐ AMENDMENT ☐ REPEAL ☒ READOPTIOIN ☐ REPEAL through READOPTIOIN	
4. Rule exempt from RRC review? ☐ Yes. Cite authority: ☒ No	5. Rule automatically subject to legislative review? ☐ Yes. Cite authority: ☒ No
6. Notice for Proposed Rule: ☒ Notice Required Notice of Text published on: October 15, 2025 Link to Agency notice: https://www.deq.nc.gov/about/boards-and-commissions/nc-mining-commission Hearing on: November 18, 2025 ☒ The requirements listed in G.S. 150B-19.1(c)(1)-(5) were posted on the agency's Web site no later than the publication date of the notice of text in the N.C. Register. Adoption by Agency on: May 12, 2026 ☐ Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) ☐ Yes Agency submitted request for consultation on: Consultation not required. Cite authority: ☒ No	8. Fiscal impact. Check all that apply. ☒ This Rule was part of a combined analysis. ☐ State funds affected ☐ Local funds affected ☐ Substantial economic impact (≥\$1,000,000) ☒ Approved by OSBM ☐ No fiscal note required
9. REASON FOR ACTION	
9A. What prompted this action? Check all that apply: ☒ Agency ☐ Court order / cite: ☐ Federal statute / cite: ☐ Federal regulation / cite: ☐ Legislation enacted by the General Assembly Cite Session Law: ☐ Petition for rule-making ☒ Other: G.S. 150B-21.3A Periodic review and readoption	
9B. Explain: G.S. 150B-21.3A requires a periodic review and readoption of all the rules used by state agencies on at least a 10-year basis. The Mining Commission has directed the staff of the Division of Energy, Mineral and Land Resources to implement the administrative process necessary for the review of the rules in Title 15A, Chapter 05 of the North Carolina Administrative Code. The proposed rule changes are designed not only to satisfy the readoption requirement, but also to update references and terminology and to revise requirements in line with current practices and technological advancements. These updates will help ensure the rules remain accurate, relevant, and effective.	
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RRC AND OAH USE ONLY	
Action taken: ☐ RRC extended period of review: ☐ RRC determined substantial changes: ☐ Withdrawn by agency ☐ Subject to Legislative Review ☐ Other:	

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Mining Commission	
2. Rule citation & name (name not required for repeal): 15A NCAC 05F .0111	
3. Action: ☐ ADOPTION ☐ AMENDMENT ☐ REPEAL ☐ READOPTION ☒ REPEAL through READOPTION	
4. Rule exempt from RRC review? ☐ Yes. Cite authority: ☒ No	5. Rule automatically subject to legislative review? ☐ Yes. Cite authority: ☒ No
6. Notice for Proposed Rule: ☒ Notice Required Notice of Text published on: October 15, 2025 Link to Agency notice: https://www.deq.nc.gov/about/boards-and-commissions/nc-mining-commission Hearing on: November 18, 2025 ☒ The requirements listed in G.S. 150B-19.1(c)(1)-(5) were posted on the agency's Web site no later than the publication date of the notice of text in the N.C. Register. Adoption by Agency on: May 12, 2026 ☐ Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) ☐ Yes Agency submitted request for consultation on: Consultation not required. Cite authority: ☒ No	8. Fiscal impact. Check all that apply. ☒ This Rule was part of a combined analysis. ☐ State funds affected ☐ Local funds affected ☐ Substantial economic impact (≥\$1,000,000) ☒ Approved by OSBM ☐ No fiscal note required
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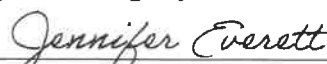
SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Mining Commission	
2. Rule citation & name (name not required for repeal): 15A NCAC 05F .0112	
3. Action: ☐ ADOPTION ☐ AMENDMENT ☐ REPEAL ☐ READOPTIOIN ☒ REPEAL through READOPTIOIN	
4. Rule exempt from RRC review? ☐ Yes. Cite authority: ☒ No	5. Rule automatically subject to legislative review? ☐ Yes. Cite authority: ☒ No
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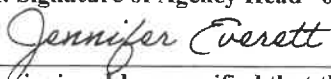
SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Mining Commission	
2. Rule citation & name (name not required for repeal): 15A NCAC 05G .0103 PROCEDURES FOR OBTAINING PERMITS	
3. Action: ☐ ADOPTION ☐ AMENDMENT ☐ REPEAL ☒ READOPTION ☐ REPEAL through READOPTION	
4. Rule exempt from RRC review? ☐ Yes. Cite authority: ☒ No	5. Rule automatically subject to legislative review? ☐ Yes. Cite authority: ☒ No
6. Notice for Proposed Rule: ☒ Notice Required Notice of Text published on: October 15, 2025 Link to Agency notice: https://www.deq.nc.gov/about/boards-and-commissions/nc-mining-commission Hearing on: November 18, 2025 ☒ The requirements listed in G.S. 150B-19.1(c)(1)-(5) were posted on the agency's Web site no later than the publication date of the notice of text in the N.C. Register. Adoption by Agency on: May 12, 2026 ☐ Notice not required under G.S.: Adoption by Agency on:	
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RRC AND OAH USE ONLY	
Action taken: ☐ RRC extended period of review: ☐ RRC determined substantial changes: ☐ Withdrawn by agency ☐ Subject to Legislative Review ☐ Other:	

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Mining Commission	
2. Rule citation & name (name not required for repeal): 15A NCAC 05G .0104 ABANDONMENT PLAN: BONDING REQUIREMENTS	
3. Action: ☐ ADOPTION ☐ AMENDMENT ☐ REPEAL ☒ READOPTIOIN ☐ REPEAL through READOPTIOIN	
4. Rule exempt from RRC review? ☐ Yes. Cite authority: ☒ No	5. Rule automatically subject to legislative review? ☐ Yes. Cite authority: ☒ No
6. Notice for Proposed Rule: ☒ Notice Required Notice of Text published on: October 15, 2025 Link to Agency notice: https://www.deq.nc.gov/about/boards-and-commissions/nc-mining-commission Hearing on: November 18, 2025 ☒ The requirements listed in G.S. 150B-19.1(c)(1)-(5) were posted on the agency's Web site no later than the publication date of the notice of text in the N.C. Register. Adoption by Agency on: May 12, 2026 ☐ Notice not required under G.S.: Adoption by Agency on:	
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RRC AND OAH USE ONLY	
Action taken: ☐ RRC extended period of review: ☐ RRC determined substantial changes: ☐ Withdrawn by agency ☐ Subject to Legislative Review ☐ Other:	

SUBMISSION FOR PERMANENT RULE

1. Rule-Making Agency: North Carolina Mining Commission	
2. Rule citation & name (name not required for repeal): 15A NCAC 05G .0105 DRILLING: CASING: TESTING AND ABANDONMENT	
3. Action: ☐ ADOPTION ☐ AMENDMENT ☐ REPEAL ☒ READOPTIO N ☐ REPEAL through READOPTIO N	
4. Rule exempt from RRC review? ☐ Yes. Cite authority: ☒ No	5. Rule automatically subject to legislative review? ☐ Yes. Cite authority: ☒ No
6. Notice for Proposed Rule: ☒ Notice Required Notice of Text published on: October 15, 2025 Link to Agency notice: https://www.deq.nc.gov/about/boards-and-commissions/nc-mining-commission Hearing on: November 18, 2025 ☒ The requirements listed in G.S. 150B-19.1(c)(1)-(5) were posted on the agency's Web site no later than the publication date of the notice of text in the N.C. Register. Adoption by Agency on: May 12, 2026 ☐ Notice not required under G.S.: Adoption by Agency on:	
7. Rule establishes or increases a fee? (See G.S. 12-3.1) ☐ Yes Agency submitted request for consultation on: Consultation not required. Cite authority: ☒ No	8. Fiscal impact. Check all that apply. ☒ This Rule was part of a combined analysis. ☐ State funds affected ☐ Local funds affected ☐ Substantial economic impact (≥\$1,000,000) ☒ Approved by OSBM ☐ No fiscal note required
9. REASON FOR ACTION 9A. What prompted this action? Check all that apply: ☒ Agency ☐ Court order / cite: ☐ Federal statute / cite: ☐ Federal regulation / cite: ☐ Legislation enacted by the General Assembly Cite Session Law: ☐ Petition for rule-making ☒ Other: G.S. 150B-21.3A Periodic review and readoption 9B. Explain: G.S. 150B-21.3A requires a periodic review and readoption of all the rules used by state agencies on at least a 10-year basis. The Mining Commission has directed the staff of the Division of Energy, Mineral and Land Resources to implement the administrative process necessary for the review of the rules in Title 15A, Chapter 05 of the North Carolina Administrative Code. The proposed rule changes are designed not only to satisfy the readoption requirement, but also to update references and terminology and to revise requirements in line with current practices and technological advancements. These updates will help ensure the rules remain accurate, relevant, and effective.	
10. Rulemaking Coordinator: Jennifer Everett Phone: 919-707-8595 E-Mail: Jennifer.everett@deq.nc.gov Additional agency contact, if any: Adam Parr Phone: 919-707-9207 E-Mail: adam.parr@deq.nc.gov	11. Signature of Agency Head* or Rule-making Coordinator:  By signing, I have verified that the information contained on this form is true and accurate to the best of my knowledge. *If this function has been delegated (reassigned) pursuant to G.S. 143B-10(a), submit a copy of the delegation with this form. Typed Name: Jennifer Everett Title: DEQ Rulemaking Coordinator
RRC AND OAH USE ONLY	
Action taken: ☐ RRC extended period of review: ☐ RRC determined substantial changes: ☐ Withdrawn by agency ☐ Subject to Legislative Review ☐ Other:	

Burgos, Alexander N

Subject: FW: NC Mining Commission - Rules for July 2026 RRC Meeting
Attachments: 15A NCAC 05F Staff Recommendation_0.pdf

From: Miller, Christopher S <christopher.miller@oah.nc.gov>
Sent: Thursday, July 16, 2026 10:51 AM
To: Everett, Jennifer <jennifer.everett@deq.nc.gov>; Parr, Adam <adam.parr@deq.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Miller, Christopher S <christopher.miller@oah.nc.gov>; Wiggs, Travis C <travis.wiggs@oah.nc.gov>
Subject: RE: NC Mining Commission - Rules for July 2026 RRC Meeting

Hi Jennifer,

One additional question for you. I noticed that 15A NCAC 05F .0108 was not included in this rule set for readoption. However, at the December 2023 RRC meeting, it looks like that rule was deemed by the RRC to be “[n]ecessary and must be readopted”. Please see the attached report. Is there a reason why this rule was not included? Do you plan on readopting the rule at another time? And if so, when?

Thank you,
Chris

Chris Miller

Rules Review Commission Counsel
North Carolina Office of Administrative Hearings | Rules Division
1711 New Hope Church Road
Raleigh, NC 27609
(984) 236-1935

NOTICE: E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by authorized State officials.

G.S. 150B-21.3A Report for 15A NCAC 05F, CIVIL PENALTIES											
Agency - Mining Commission											
Comment Period - January 30 -April 4, 2023											
Date Submitted to APO - Filled in by RRC staff											
Rule Section	Rule Citation	Rule Name	Date and Last Agency Action on the Rule	Agency Determination [150B-21.3A(c)(1)a]	Implements or Conforms to Federal Regulation [150B-21.3A(e)]	Federal Regulation Citation	Public Comment Received [150B-21.3A(c)(1)]	Agency Determination Following Public Comment [150B-21.3A(c)(1)]	RRC Determination of Public Comments [150B-21.3A(c)(2)	RRC Final Determination of Status of Rule for Report to APO [150B-21.3A(c)(2)]	OAH Next Steps
	15A NCAC 05F .0101	PURPOSE AND SCOPE	Amended Eff. August 1, 2012 (see S.L. 2012-143, s.1.(d))	Necessary	No		No	Necessary	RRC not required to review comment(s)	Necessary and must be readopted	Agency must readopt
	15A NCAC 05F .0102	DEFINITIONS	Amended Eff. August 1, 2012 (see S.L. 2012-143, s.1.(d))	Unnecessary	No		No	Unnecessary	RRC not required to review comment(s)	Unnecessary and should expire on the first day of the month following the consultation	Rule expired - remove from Code
	15A NCAC 05F .0103	WHO MAY ASSESS	Eff. May 1, 1982	Necessary	No		No	Necessary	RRC not required to review comment(s)	Necessary and must be readopted	Agency must readopt
	15A NCAC 05F .0105	CIVIL PENALTY FOR MINING WITHOUT A PERMIT	Amended Eff. December 1, 1988	Necessary	No		No	Necessary	RRC not required to review comment(s)	Necessary and must be readopted	Agency must readopt
	15A NCAC 05F .0106	CIVIL PENALTY FOR VIOLATING OPERATING PERMIT	Amended Eff. November 1, 1984	Necessary	No		No	Necessary	RRC not required to review comment(s)	Necessary and must be readopted	Agency must readopt
	15A NCAC 05F .0107	CRITERIA FOR DETERMINING AMOUNT OF PENALTY	Eff. May 1, 1982	Unnecessary	No		Yes	Unnecessary	No comments with merit	Unnecessary and should expire on the first day of the month following the consultation	Rule expired - remove from Code
	15A NCAC 05F .0108	ADMINISTRATIVE REMEDIES	Amended Eff. August 1, 1988	Unnecessary	No		Yes	Unnecessary	One or more comments with merit	Necessary and must be readopted	Agency must readopt
	15A NCAC 05F .0109	HEARING PROCEDURES	Amended Eff. August 1, 2012 (see S.L 2012-143, s.1. (d))	Unnecessary	No		No	Unnecessary	RRC not required to review comment(s)	Unnecessary and should expire on the first day of the month following the consultation	Rule expired - remove from Code
	15A NCAC 05F .0110	TENDERS OF PAYMENT	Eff. May 1, 1982	Unnecessary	No		No	Unnecessary	RRC not required to review comment(s)	Unnecessary and should expire on the first day of the month following the consultation	Rule expired - remove from Code
	15A NCAC 05F .0111	REFERRAL TO ATTORNEY GENERAL	Eff. May 1, 1982	Necessary	No		No	Necessary	RRC not required to review comment(s)	Necessary and must be readopted	Agency must readopt
	15A NCAC 05F .0112	FURTHER REMEDIES	Amended Eff. August 1, 2012 (see S.L. 2012-143, s.1. (d))	Unnecessary	No		Yes	Unnecessary	One or more comments with merit	Necessary and must be readopted	Agency must readopt

Agency	Rule	Name	Type of Comment
Mining Program	15A NCAC 005F .0107	CRITERIA FOR DETERMINING AMOUNT OF PENALTY	Public Coment as defined in G.S. 150B-21.3A(a)(5)

Mining Program	15A NCAC 005F .0108	ADMINISTRATIVE REMEDIES	Public Coment as defined in G.S. 150B-21.3A(a)(5)
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Mining Program	15A NCAC 005F .0112	FURTHER REMEDIES	Public Coment as defined in G.S. 150B-21.3A(a)(5)
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Mining Program	15A NCAC 005F .0112	FURTHER REMEDIES	Public Coment as defined in G.S. 150B-21.3A(a)(5)
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Agency Response

Comment

From: Mark Langan

Sent: April 4, 2023

To: NCMiningProgram <NCMiningProgram@ncdenr.gov>

You are seeking to deem these two rules as unnecessary. I strongly disagree with this change. These are long-standing rules that are a necessary protection that help to ensure companies don't pollute waterways and fisheries and that they receive a commensurate penalty as a deterrent to operating in such a way as to cause a deleterious effect to wildlife, waterways, and fisheries. There are too many recent incidents in North Carolina that show the extent of damage a company can do to wildlife, fisheries, and the human population, especially when rules such as the two above aren't in place.

The Commission recommended this rule is un-necessary because it is redundant with the statute, N.C. Gen. Stat. § 74-64(a)(1)(c).

From: Dr. Jean Spooner, Chair

The Umstead CoaFrom: Dr. Jean Spooner, Chair

The Umstead Coalition

April 4, 2023

To: NCMiningProgram <NCMiningProgram@ncdenr.gov>

The Commission recommended this rule is un-necessary because it is redundant with the statute, N.C. Gen. Stat. § 74-61.

Two of the Rules proposed to be "Unnecessary" we would recommend keeping as "Necessary." Both of these Rules were recommended by DEMLR staff to be kept. We concur. They are:

- 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.
- 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.

Neither of these current Rules are duplicative of the Mining Act, but add clarity.

The Commission recommended this rule is un-necessary because it is redundant with the statute, N.C. Gen. Stat. § 74-64(a)(5).

From: Dr. Jean Spooner, Chair
The Umstead Coalition
April 4, 2023
To: NCMiningProgram <NCMiningProgram@ncdenr.gov>

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- 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.
- 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.

Neither of these current Rules are duplicative of the Mining Act, but add clarity.

FROM: WILLIAM DOUCETTE

April 3, 2023

To: To: NCMiningProgram NCMiningProgram@ncdenr.gov

The Commission recommended this rule is un-necessary because it is redundant with the statute, N.C. Gen. Stat. § 74-64(a)(5).

Eliminating text overlap between the rules and legislation is a disservice to the public. Researching both the rule and the general statutes is cumbersome, can lead to confusion and may inhibit the public from understanding what is required of the mining industry. Most of the “unnecessary” classifications are such.

Eliminating 15A NCAC 05F.0112 “further remedies” is not warranted and

RRC Staff Recommendation	RRC Determination [150B-21.3A(c)(2)]
Select One	Select One

Select One

Select One

Select One

Select One

Select One

Select One

Burgos, Alexander N

From: Everett, Jennifer
Sent: Friday, July 10, 2026 1:19 PM
To: Miller, Christopher S; Parr, Adam
Cc: Burgos, Alexander N
Subject: RE: NC Mining Commission - Rules for July 2026 RRC Meeting

Hi, received. Will be in touch. Thanks.

Jennifer Everett
DEQ Rulemaking Coordinator
N.C. Depart. Of Environmental Quality
Office of General Counsel
1601 Mail Service Center
Raleigh, NC 27699-1601
Tele: (919)-707-8595
<https://www.deq.nc.gov/accessdeq/rules-regulations>

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From: Miller, Christopher S <christopher.miller@oah.nc.gov>
Sent: Thursday, July 9, 2026 4:01 PM
To: Everett, Jennifer <jennifer.everett@deq.nc.gov>; Parr, Adam <adam.parr@deq.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Miller, Christopher S <christopher.miller@oah.nc.gov>
Subject: NC Mining Commission - Rules for July 2026 RRC Meeting

Good afternoon,

I'm the staff attorney who reviewed the rules submitted by the North Carolina Mining Commission for the July 2026 RRC meeting. The RRC will formally review these rules at its meeting on Thursday, July 30, 2026, at 10:00 a.m. The meeting will be a hybrid of in-person and WebEx attendance, and an invite should be sent to you as we get close to the meeting. If there are any other representatives from your agency who want to attend virtually, please let me know prior to the meeting, and we will get invites out to them as well.

Attached is my Request for Changes pursuant to G.S. 150B-21.10. Please submit the responses, forms, and revised rules to me via email, no later than **5 p.m. on July 20, 2026.**

Let me know if you have any questions.

Best,
Chris

Chris Miller
Rules Review Commission Counsel

North Carolina Office of Administrative Hearings | Rules Division
1711 New Hope Church Road
Raleigh, NC 27609
(984) 236-1935

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