

On page 1 line 27 (05A .0202(1)), currently written as:

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

The committee recommended:

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

On page 3, line 32 to page 4, line 2 (05A .0400), the committee requested a comparison be made between the proposed insertion and the Erosion and Sediment control rules. **These rule are proposed and should be left to Phase 2.**

On page 4, line 5 (05A .0400), “sate” should be “state.” **These rule are proposed and should be left to Phase 2. Correction was noted.**

On page 6, lines 6 through 14 (05B .0103(d)). The maximum amount per acre cost had been raised from \$5,000 to \$15,000, Mr. North asked how was the \$15,000 was determined? **See Memorandum, Staff recommend holding to Phase 2, will most likely result in a finical review.**

On page 6, lines 23 through 28 (05B .0103(e)). This part of the rule gives the Director the authority to raise the amount of the bond to be greater than \$1,000,000.00, if the company does not have a good operating record.

The committee felt this needed rewording to state that the maximum bonding allow under law is \$1,000,000.00 (per NCGS §74-54). See Memorandum, 2 parts. Part 1, Staff could not find any specifics in N.C.G.S §74-54 where the \$1 million limit on a single bond could be exceeded. The above portion of the rule should be removed.

Part 2, Staff recognizes that all of section (e) of rule 05B .0103 is redundant with N.C.G.S §74-54 and should be removed.

On page 7, line 25 (05B .0104(a)(6)). For the Division of Air Quality there are three possible approaches a site could take: permitted, registered, or exempted from permitting. The adjusted wording only lists the permitting option. The wording needs to be adjusted to address the varying options. **Reworded.**

On page 8, line17 through 19 (05B 0104(b)(10)(C)): Wording is un-clear. **Reworded.**

On page 8, starting with line 34 (05B .0104(a)), added “mine permit boundaries,” to list. **Added to list.**

On page 9, lines 1 and 2 (05B 0104(c)(5)). Removed (Processing plants may be described as to location and distance from mine if sufficiently removed) and reword. **Reworded.**

On page 10, line 14 (05C .0105(1)), add period at end. **Period added.**

On page 10, line 22 (05C .0105(4)), add period after “sediment” and strike the remainder of sentence. **Reworded and period added.**

On page 10, line 29 through 36. (05B .0106) has been determined to be necessary. Retain and reword. **Recommend holding to Phase 2.**

On page 11, line 24 (05B .0111 (a)), the committee wants the term “significant public interest” defined and how the evaluation is to be made. **Should be left to Phase 2.**

On page 11, line 37 and 38 (05B .0111(c)). leave old wording. **Wording left.**

On page 12, line 1 (05B .0111(d)), leave “Within ten days.” Wording left.

On page 12, line 14 (05B .0112 (a)), added “transfer.” Added transfer.

*On page 13, staff raised the question about fees for sites that fell into the >25 acre but <26 acres. The las is unclear on the fee structure does not directly address this acreage. **To be addressed in Phase 2.***

On page 13, line 42 (05B .0113), added transfer to this list. Added transfer.

*On page 18, line 24 (05G .0105), Dr. Taylor feels that the method reference is not stringent enough. The hole needs to be filled with concrete. **To be addressed in Phase 2.***