

Meeting Minutes of the Rules Committee of the  
North Carolina Mining and Energy Commission

May 2, 2013  
3:00 pm – 5:00 pm

**I. Preliminary Matters**

- a) Chairwoman Pickle called the meeting of the Rules Committee to order at 3:11 pm in the Ground Floor Hearing Room of the Archdale Building in Raleigh, NC. Chairwoman Pickle read the relevant excerpt of the State Government Ethics Act, and asked Commission Members to consider whether or not they had conflicts of interest with respect to any items on the agenda. No conflicts were reported.

The following persons were in attendance for all or part of the meeting:

**Committee Members**

Amy Pickle (Chairwoman)  
Charlotte Mitchell  
George Howard  
Charles Holbrook  
Jim Womack

**Attorney General's Office**

Jennie Wilhelm Hauser (legal counsel)

**DENR Staff Member**

Trina Ozer, Department of Environment and Natural Resources (DENR) Secretary's Office  
Tracy Davis, Division of Energy, Mineral and Land Resources (DEMLR)  
Toby Vinson, DEMLR  
Walt Haven, DEMLR  
Katherine Marciniak, DEMLR  
Rosalind Harris, DEMLR  
Ryan Channell, DEMLR

**Others in Attendance**

Refer to the attached meeting sign-in sheets.

- b) **Review and approval of minutes from the January 24, 2013 meeting**  
Chairwoman Amy Pickle asked the Committee to review the minutes from the January 24, 2013 meeting. Mr. George Howard made a motion to approve the January 24, 2013 minutes and Mr. Charles Holbrook seconded. The motion passed.

- c) **Revisions or additions to Agenda**  
The Water Acquisition and Management Rules were not presented at this meeting. The Committee will address this rule set during a meeting scheduled for May 31, 2013 at the Green Square Training Room from 11:00 am to 12:00 pm.

## **II. Action Items**

- a) Chairwoman Pickle presented the chairwoman's mark draft chemical disclosure rule set for review and transmittal to the Mining and Energy Commission (see attachments). The Committee discussed formatting and structure of the rule set and the format for writing rules outlined in 26 NCAC 02C.

A transmittal rule worksheet will be attached to each rule set to track the document from the originating Committee to the Rules Review Commission and will also include a summary of rules, outstanding questions within the rule, necessary statutory changes, references to other MEC rules, and references to other rules (see attachments).

The Committee discussed made a number of revisions to definitions and some rule content:

- "Accredited laboratory" was struck from the document;
- "Chemical ingredient" was changed to "Chemical contained in an additive" throughout the document;
- "Request" was struck from the document;
- "Requestor" was struck from the document;
- "Total water volume" was deleted from the definitions section and defined within the text;
- "Trade secret" is defined in G.S. 66-152(3) and as a result the citation is used in the definition;
- "Health Professional or Emergency Responder" was separated into two definitions;
- "Landowner" was updated to reflect the definition outlined in Session Law 2012-143; and
- "Operator" was changed to "well operator".

A new paragraph was added in the disclosure to health professionals and emergency responders section after paragraph (a) (3) to include details outlining the criteria an emergency responder may use to apply as a reason to submit a written statement of need.

## **III. Public Comment**

No one from the audience signed up for the public comment period.

## **IV. Concluding Remarks**

The Committee did not complete the rule set review due to time constraints. The Committee will continue to review the rule set at the June 6, 2013 meeting.

## **V. Adjournment**

Mr. George Howard made a motion to adjourn the meeting and Mr. Charles Holbrook seconded. The meeting was adjourned at 5:00 pm.

**DEMLR Staff contact for this Committee: Walt Haven, Energy Program Supervisor – NCDENR.**