Meeting Minutes of the Rules Committee of the
North Carolina Mining and Energy Commission
September 26, 2013
2:30 pm – 5:00 pm

I. Preliminary Matters

a. Call to Order and Notice of NCGS 138A-15

Chairwoman Amy Pickle called the meeting of the Rules Committee to order at 2:50 pm in the Ground Floor Hearing Room, 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)
George Howard
Charles Holbrook
Jane Lewis-Raymond (telephone)

Attorney General's Office
Jennie Hauser (legal counsel)

DENR Staff Member
Trina Ozer Matta, Department of Environment and Natural Resources (DENR) Secretary's Office
Tracy Davis, Division of Energy, Mineral and Land Resources (DEMLR)
Layla Cummings, DENR
Katherine Marciniak, DEMLR
Ryan Channell, DEMLR
Rosalind Harris, DEMLR

Others in Attendance
Refer to the attached meeting sign-in sheets.

2. Review and approval of minutes from the September 5, 2013 meeting

Mr. George Howard motioned to approve the minutes and Mr. Charles Holbrook seconded. The motion passed.

3. Revisions or additions to Agenda

Chairwoman Pickle struck the discussion of complied definitions section from the agenda.

II. Action Items

1. Preparation of Wellhead Standards Rule for Transmittal to Full MEC (see attached document)

The Rules Committee discussed the rule and made the following changes, revisions, or flags for consideration by the Mining and Energy Commission:

a. Section 11 - Wellhead Requirements
    i. Paragraph (c) – change escape to leak
b. Section 12 - Well Maintenance and Site Security

i. Paragraph (a) - Deleted "The permittee shall" changed to "A functioning blowout preventer (BOP) shall be installed and used;"
ii. Paragraph (b) - Deleted "The permittee shall" changed to "The permittee may;"
iii. Paragraph (c) - Deleted "The permittee shall" changed to "A temporary identification sign shall be posted;"
iv. Paragraph (d) - Deleted "The permittee shall" changed to "A cautionary plastic or other fencing;"
v. Paragraph (e) - Deleted "The permittee shall" changed to "Equipment that is not used in the production of the well shall not be stored at the well site;"
vi. Paragraph (f) - Deleted "The permittee shall" changed to "Equipment, vegetation, and refuse shall be maintained;"
vii. Paragraph (g) - Deleted "The permittee shall" changed to "A permanent fence shall be installed;"
viii. Paragraph (j) - Deleted "The permittee shall" changed to "All wells shall be legibly identified;"
ix. Second sentence of paragraph (j) "The permittee shall attach… was moved to paragraph (m) and changed to read "Danger, Keep Out" and "No Smoking or Open Flame" signs shall be attached."

c. Section 13- Visual Impacts Mitigation
   i. Remove "and editions" from line 22.

III. Information Items

1. <u>Discussion of Terminology and Assigned Responsibilities for "Permittees" and "Actors"</u>
The Rules Committee discussed the use of "permittee" as the default actor and how "permittee" should be used throughout the rule writing process to properly identify the actor. The list of actors and the use of terminology will be discussed at the October 24th meeting.

2. <u>Discussion of Compiled Definitions Section</u>
This agenda items was struck from the agenda; to be discussed at a later meeting.

IV. Public Comment
No public comments.

V. Concluding Remarks
The Committee will review the terms and the list of actors at the next meeting. Staff will make edits on the Wellhead Standards rules and send the revised document to the members of the Mining and Energy Commission.

VI. Adjournment

Chairwoman Pickle adjourned the meeting at 3:45 pm.

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