



SENATE BILL 445: Regulatory Reform Act of 2026, Sec. 34: Mining Permit Modifications.

2025-2026 General Assembly

Analysis of: S.L. 2026-59, Sec. 34

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Prepared by: Legislative Analysis
Division Staff

Section 34 of S.L. 2026-59 (Senate Bill 445) makes changes to the Mining Act, including all of the following:

- Exempts from the definition of "mining" activities undertaken at any time on the mine property for the production and harvesting of timber and timber products and conducted in accordance with standards defined by the Forest Practice Guidelines Related to Water Quality, as adopted by the Department of Agriculture and Consumer Services.
- Provides that requests for public hearing must be made within 30 days of receipt of notice (rather than within 30 days of issuance of the notice) from the chief administrative officer of each county and municipality in which any part of the permitted area is located and owners of land adjoining the proposed mine, and owners of land within specified proximity to the proposed mine.
- Provides that the Department of Environmental Quality (Department) cannot extend or alter public comment periods and time frames for conducting public hearings established by the applicable statutes.
- Adds language explicitly applying a statute governing all permits issued by the Department to the Mining Act, which provides that except to the extent required by federal or State law, the Department cannot refuse to accept an application for, nor refuse to issue, a new, modified, or transferred mining permit based solely on the failure of an applicant to obtain another permit, authorization, or certification required for the same project.
- Modifies timeframes for Department review of an application. It establishes specific time limits for the Department to review an application to determine whether it is administratively complete. Once the Department determines the application is complete a 60-day technical review period begins, during which the Department must issue or deny the permit. It also places additional timeframes and limits on subsequent requests for information from an applicant within the technical review period. The Department can, however, request additional information if required for the technical review based on any new information, changed circumstances, or changed designs provided by the applicant in a previous information submittal, and, where the Department identifies information that should have been requested, the Department can address this information by including conditions in or modifications to the permit upon issuance, but cannot deny the permit because of the missing information.

This section becomes effective October 1, 2026, and applies to permit applications filed on or after that date.

Kara McCraw
Director



Legislative Analysis
Division
919-733-2578