

NORTH CAROLINA GENERAL ASSEMBLY  
1981 SESSION

CHAPTER 787  
HOUSE BILL 284

AN ACT TO AMEND ARTICLE 7 OF CHAPTER 74 CONCERNING THE MINING ACT  
OF 1971.

The General Assembly of North Carolina enacts:

**Section 1.** G.S. 74-50 is amended by inserting a new paragraph between lines 13 and 14 to read as follows:

"Prior to the issuance of a new mining permit, the operator shall make a reasonable effort, satisfactory to the Department, to notify all owners of record of land adjoining the proposed site, and to notify the chief administrative officer of the county or municipality in which the site is located that he intends to conduct a mining operation on the site in question."

**Sec. 2.** G.S. 74-51 is amended by rewriting the fourth paragraph thereof to read as follows:

"Before deciding whether to grant a new permit, the Department shall circulate copies of a notice of application for review and comment as it deems advisable. The Department shall grant or deny the permit requested as expeditiously as possible, but in no event later than 60 days after the application form and any relevant and material supplemental information reasonably required shall have been filed with the Department, or if a public hearing is held, within 30 days following the hearing and the filing of any relevant and material supplemental information reasonably required by the Department. Priority consideration shall be given to applicants who submit evidence that the mining proposed will be for the purpose of supplying materials to the Board of Transportation."

**Sec. 3.** G.S. 74-51 is further amended by inserting a new paragraph between the fourth and fifth paragraphs of the section to read as follows:

"Upon its determination that significant public interest exists, the Department shall conduct a public hearing on any application for a new mining permit. Such hearing shall be held before the Department reaches a final decision on the application, and in making its determination, the Department shall give full consideration to all comments submitted at the public hearing. Such public hearing shall be held within 60 days of the filing of the application."

**Sec. 4.** G.S. 74-54 is amended by rewriting the second paragraph to read as follows:

"The applicant shall have the option of filing a separate bond for each operating permit or of filing a blanket bond covering all mining operations within the State for which he holds a permit. The amount of each bond shall be based upon the area of affected land to be reclaimed under the approved reclamation plan or plans to which it pertains, less any such area where reclamation has been completed and released from coverage by the Department, pursuant to G.S. 74-56, or based on such other criteria established by the Mining Commission. The Department shall set the amount of the required bond in all cases, based upon a schedule established by the Mining Commission."

**Sec. 5.** G.S. 74-62 is amended on line 2 by deleting the brackets surrounding the letter "A" as it appears at the end of the line.

**Sec. 6.** G.S. 74-63 is amended on line 5 by deleting the brackets surrounding the letter "A" as it appears following the number "150".

**Sec. 7.** G.S. 74-64(a) is amended by designating all of the existing subdivision (a)(1) as subdivision (a)(1)a. and by adding a new subdivision at the end thereof to read as follows:

- "b. Any permitted operator who violates any of the provisions of this Article, any rules or regulations promulgated thereunder, or any of the terms and conditions of his mining permit shall be subject to a civil penalty of not more than one hundred dollars (\$100.00). Each day of a continuing violation shall constitute a separate violation. Prior to the assessment of any such civil penalty, written notice of the violation shall be given. The notice shall describe the violation with reasonable particularity, shall specify a time period reasonably calculated to permit the violator to complete actions to correct the violation, and shall state that failure to correct the violation within that period may result in the assessment of a civil penalty."

**Sec. 8.** G.S. 74-64(a)(3) is amended by including the phrase "or equitable settlement reached" after the word "Department" in line 2.

**Sec. 9.** G.S. 143-34.12 is amended by deleting the line thereof which reads as follows:

"Chapter 74, Article 7, entitled 'The Mining Act of 1971'."

**Sec. 10.** This act is effective upon ratification.

In the General Assembly read three times and ratified, this the 2nd day of July, 1981.