

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 1329*

Short Title: Add. Notice/Mining Permit Application.

(Public)

Sponsors: Senators Odom; Albertson, Clodfelter, Dannelly, Kinnaird, Martin of Guilford, Martin of Pitt, and Weinstein.

Referred to: Agriculture/Environment/Natural Resources.

May 18, 2000

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR ADDITIONAL NOTICE OF AN APPLICATION FOR A PERMIT UNDER THE MINING ACT OF 1971, AS RECOMMENDED BY THE ENVIRONMENTAL REVIEW COMMISSION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 74-50 reads as rewritten:

"§ 74-50. Permits – General. (a) No operator shall engage in mining without having first obtained from the Department an operating permit that covers the affected land and that has not been terminated, revoked, suspended for the period in question, or otherwise become invalid. An operating permit may be modified from time to time to include land neighboring the affected land, in accordance with procedures set forth in G.S. 74-52. A separate permit shall be required for each mining operation that is not on land neighboring a mining operation for which the operator has a valid permit.

(b) As used in this subsection, 'land adjoining' means any parcel or tract of land that is not owned in whole or in part by or under the control of the applicant or operator or any affiliate, parent, or subsidiary of the applicant or operator and that is contiguous to either: (i) any parcel or tract that includes affected land or (ii) any parcels or tracts of land that are owned in whole or in part by or under the control of the applicant or operator or any affiliate, parent, or subsidiary of the applicant or operator and that, taken together, are

1 contiguous to affected land. At the time of the an application for a new mining permit or
2 for a permit modifications that add owners modification to add an owner of record of lands
3 land adjoining the permit boundaries, the applicant or operator shall make a reasonable
4 effort, satisfactory to the Department, to notify all owners of record of land adjoining the
5 proposed site, and to notify the chief administrative officer of the county or municipality in
6 which the site is located that the operator intends to conduct a mining operation on the site in
7 question. notify:

- 8 (1) The chief administrative officer of each county and municipality in
9 which the affected land is located.
10 (2) The owners of record of land adjoining the tract of land that includes the
11 affected land.
12 (3) The owners of record of land that lies directly across a highway, as
13 defined in G.S. 20-4.01(13), that has five lanes or less if the tract of land
14 that includes the affected land is adjacent to the highway.
15 (4) The owners of record of land that lies directly across any creek, stream,
16 river, or other watercourse; railroad track; or utility or other public
17 right-of-way that is adjacent to the tract of land that includes the
18 affected land to the extent that the Department, in its discretion,
19 determines to be necessary to provide adequate notice of the application.

20 (b1) The notice shall inform the owners of record and chief administrative officers
21 of the opportunity to submit written comments to the Department regarding the proposed
22 mining operation and the opportunity to request a public hearing regarding the proposed
23 mining operation. Requests for public hearing shall be made within 30 days of issuance
24 of the notice.

25 (c) No permit shall become effective until the operator has deposited with the
26 Department an acceptable performance bond or other security pursuant to G.S. 74-54. If
27 at any time the bond or other security, or any part thereof, shall lapse for any reason other
28 than a release by the Department, and the lapsed bond or security is not replaced by the
29 operator within 30 days after notice of the lapse, the permit to which the lapsed bond or
30 security pertains shall be automatically revoked.

31 (d) An operating permit shall be granted for a period not exceeding 10 years. If
32 the mining operation terminates and the reclamation required under the approved
33 reclamation plan is completed prior to the end of the period, the permit shall terminate.
34 Termination of a permit shall not have the effect of relieving the operator of any
35 obligations that the operator has incurred under an approved reclamation plan or
36 otherwise. Where the mining operation itself has terminated, no permit shall be required
37 in order to carry out reclamation measures under the reclamation plan."

38 Section 2. This act becomes effective 1 September 2000.