

CRITERIA FOR MINING PERMIT REVIEW

The Mining Act of 1971 provides that any permit or modification to an existing permit may be denied for any of the following reasons:

1. That any requirement of this Article or any rule promulgated hereunder will be violated by the proposed operation;
2. That the operation will have unduly adverse effects on potable groundwater supplies, wildlife, or fresh water, estuarine, or marine fisheries;
3. That the operation will violate standards of air quality, surface water quality, or ground water quality that have been promulgated by the Department;
4. That the operation will constitute a direct and substantial physical hazard to public health and safety or to a neighboring dwelling house, school, church, hospital, commercial or industrial building, public road or other public property, excluding matters relating to the use of a public road;
5. That the operation will have a significantly adverse effect on the purposes of a publicly owned park, forest or recreation area;
6. That the previous experience with similar operations indicates a substantial possibility that the operation will result in substantial deposits of sediment in stream beds or lakes, landslides, or acid water pollution; or
7. That the applicant or any parent, subsidiary, or other affiliate of the applicant or parent has not been in substantial compliance with this Article, rules adopted under this Article, or other laws or rules of this State for the protection of the environment or has not corrected all violations that the applicant or any parent, subsidiary, or other affiliate of the applicant or parent may have committed under this Article or rules adopted under this Article and that resulted in:
 - a. Revocation of a permit,
 - b. Forfeiture of part or all of a bond or other security,
 - c. Conviction of a misdemeanor under G.S. 74-64,
 - d. Any other court order issued under G.S. 74-64, or
 - e. Final assessment of a civil penalty under G.S. 74-64.

A Mining Permit or modification to an existing permit shall be granted if none of these denial criteria are triggered or are mitigated by permit condition requirements.

**ISSUES OF LOCAL CONCERN
NOT ADDRESSED BY
THE MINING ACT OF 1971 (NCGS 74-65)**

The following concerns are not covered by the NC Mining Act and, therefore, are not addressed in reviewing mining permit applications and modifications to existing permits:

1. Property values
2. Increased truck traffic
3. Operating hours
4. Noise
5. Any other considerations not specifically covered by the Mining Act of 1971

These are local issues and are covered by local government land use ordinances, along with the access, speed and weight limits required by local government or state highway authority.

**ISSUES THAT ARE ADDRESSED
IN THE REVIEW OF
A MINING PERMIT APPLICATION OR MODIFICATION**

1. Environmental Concerns, including sediment control and ground water protection
2. Reclamation Plan and Bond
3. Blasting vibration control and flyrock prevention
4. Screening
5. Highwall and other safety issues

All mining permits contain operating and reclamation conditions tied to site specific plans, specifications and engineering drawings, to meet the objectives of the Mining Act. The Act provides for enforcement, including monetary penalties, injunctive relief, permit revocation, etc.