

15A NCAC 05B .0104 INFORMATION REQUIRED IN PERMIT APPLICATION

(a) The completed application for the mining permit shall include information concerning the mining operation and a reclamation plan for the restoration of all affected land. Information required concerning the mining operation shall include:

- (1) materials to be mined;
- (2) method of mining;
- (3) expected depth of mine;
- (4) size of the mine, including:
 - (A) acreage for tailings ponds,
 - (B) acreage for stockpiles,
 - (C) acreage for waste piles,
 - (D) acreage for processing plants,
 - (E) acreage for mine excavation,
 - (F) acreage for annual disturbance;
- (5) anticipated effect on wildlife, freshwater, estuarine or marine fisheries;
- (6) whether or not the operation will have a waste water discharge or air contaminant emission which will require a permit from the division of environmental management;
- (7) method to prevent physical hazard to any neighboring dwelling house, school, church, hospital, commercial or industrial building, or public road if the mining excavation will come within 300 feet thereof;
- (8) measures to be taken to insure against landslides and acid water pollution;
- (9) measures to be taken to minimize siltation of streams, lakes, or adjacent properties during the mining operation;
- (10) measures to be taken to screen the operation from public view.

(b) Information required in the reclamation plan shall include:

- (1) intended plan for overall mine reclamation, subsequent land use and the general methods to be used in reclaiming;
- (2) intended practices to be taken to protect adjacent surface resources;
- (3) intended methods to prevent or eliminate conditions hazardous to animal or fish life in or adjacent to the affected areas;
- (4) intended methods of rehabilitation of settling ponds;
- (5) intended methods of restoration or establishment of stream channels and stream beds to a condition minimizing erosion, siltation and other pollution;
- (6) intended measures to stabilize slopes;
- (7) intended measures to provide for safety to persons and adjoining property in excavation in rock;
- (8) intended measures of disposal of mining refuse and control of contaminants;
- (9) provisions to prevent collection of noxious, odious or foul water in mined areas;
- (10) plan for revegetation and reforestation or other surface treatment of the affected areas which plan must be approved in writing by one of the following prior to submission of the application:
 - (A) Authorized representatives of the local soil and water conservation district having jurisdiction over lands in question;
 - (B) Authorized representatives of the division of forest resources, Department of Environment, Health, and Natural Resources;
 - (C) County agricultural extension chairmen or research and extension personnel headquartered at North Carolina State University in the school of agriculture and life sciences;
 - (D) North Carolina licensed landscape architects;
 - (E) Private consulting foresters referred by the division of forest resources, Department of Environment, Health, and Natural Resources;
 - (F) Others as may be approved by the department; Provided that areas expected to be in use beyond the maximum permissible permit period, such as processing plants or stockpiles, do not require a specific revegetation plan;
- (11) time schedule of reclamation that provides that reclamation activities be conducted simultaneously with mining operations whenever feasible and in any event be initiated at the earliest practicable time after completion or termination of mining on any segment and completed within two years.

(c) In addition to the application form, the operator shall also submit two copies of a county map showing the mine location and two copies of a mine map. Mine maps should be accurate drawings, aerial photographs or enlarged topographic maps of the mine area and must clearly show the following:

- (1) property lines or affected area of mining operation;
- (2) outline of pits;
- (3) outline of stockpile areas;
- (4) outline of overburden disposal areas;
- (5) location of processing plants (Processing plants may be described as to location and distance from mine if sufficiently far removed.);
- (6) location and name of streams and lakes;
- (7) outline of settling ponds;
- (8) location of access roads;
- (9) map legend:
 - (A) name of company,
 - (B) name of mine,
 - (C) north arrow,
 - (D) county,
 - (E) scale,
 - (F) date prepared,
 - (G) name and title of person preparing map; and
- (10) names of owners of record, both public and private, of all adjoining land.

The mine maps should be correlated with the reclamation plan. The approximate areas to be mined during the life of the permit should be clearly marked.

If reclamation is to be accomplished concurrently with mining, then show segments that are to be mined and reclaimed during each year of the permit.

Add drawings showing typical sections or cross sections and layout of proposed reclamation where such drawings will assist in describing reclamation.

(d) An application for a mining permit shall include:

- (1) The name and address of all known owners, both private and public of all land adjoining the proposed mining site as determined by a diligent search of the tax records or other sources of information about property ownership in a manner reasonable calculated to identify the owners of all adjoining land and approved by the department. The proposed mining site means all land to be included within the proposed permitted area;
- (2) The name of the chief administrative officer of the county or municipality in which the proposed mining site is located together with the officer's mailing address; and
- (3) Proof satisfactory to the department that the applicant has made a reasonable effort to notify all owners of record of all adjoining land and the chief administrative officer of the county or municipality of the pending application. Proof satisfactory to the department shall include an affidavit by the applicant that he has caused a notice of the pending application to be sent by certified or registered mail to all known adjoining owners and to the chief administrative officer of the county or municipality. Other means of notice shall be satisfactory if approved in advance by the department.

*History Note: Authority G.S. 74-63; 74-51; 74-53;
Eff. February 1, 1976;
Amended Eff. April 1, 1990; May 1, 1982; September 1, 1979; January 31, 1979.*