

1 15A NCAC 05A .0101 IS PROPOSED FOR READOPTION WITHOUT SUBSTANTIVE CHANGES AS
2 FOLLOWS:

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4 **15A NCAC 05A .0101 NAME AND ADDRESS**

5 The name of this agency shall be the North Carolina Mining ~~and Energy~~ Commission. Its address is Department of
6 Environmental Quality, Environment, Health, and Natural Resources, P.O. Box 27687, 1612 Mail Service Center,
7 Raleigh, North Carolina 27611-27699-1612.

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9 *History Note: Authority G.S. 143B-290;*
10 *Eff. February 1, 1976;*
11 *Amended Eff. January 31, 1979;*
12 *Readopted Eff. August 1, 1982;*
13 *Amended Eff. August 1, 2012 (see S.L. 2012-143, s.1.(d)); April 1, 1990;*
14 *Readopted Eff. XXXX, 2025*
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1 15A NCAC 05A .0202 IS PROPOSED FOR READOPTION WITH SUBSTANTIVE CHANGES AS FOLLOWS:

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3 **15A NCAC 05A .0202 DELEGATION AUTHORITIES AND DEFINITIONS**

4 (a) The Director, Division of Energy, Mineral, and Land Resources, Department of Environmental Quality,
5 Department of Environment, Health, and Natural Resources, shall have the following powers and duties with regard
6 to necessary to administer the administration of the Mining Act of 1971-1971, including:

- 7 (1) the issuance, denial, modification, ~~renewal, suspension~~ suspension, transfer, and revocation of
8 permits;
9 (2) the approval of reclamation plans;
10 (3) the initiation of forfeiture proceedings;
11 (4) the giving of notices, setting of hearings and taking of action upon findings of violations; and
12 (5) the institution of all criminal and civil actions.

13 (b) The Director, Division of Energy, Mineral, and Land Resources, Department of Environmental Quality,
14 Department of Environment, Health, and Natural Resources shall have the following powers and duties necessary to
15 administer with regard to the administration of the Control of Exploration for Uranium in North Carolina Act of 1983-
16 1983, including:

- 17 (1) the issuance, denial, modification, renewal, ~~suspension~~ suspension, transfer, and revocation of
18 permits;
19 (2) the review of the plans for the initiation and ~~approval~~ of the abandonment of affected land;
20 (3) the inspection and approval of the abandonment of affected land;
21 (4) the giving of notices, setting of hearings, and taking of action upon findings of violations; and
22 (5) the institution of all criminal and civil actions.

23 (c) The following definitions apply to Subchapters 05A, 05B, 05F and 05G of Chapter 5 of Title 15A of the North
24 Carolina Administrative Code:

- 25 (1) “Administrative Change” means any change initiated by the Department or requested by the
26 applicant to correct errors including, grammatical errors, typographical errors, and map
27 inaccuracies, that do not substantively change the permit.
28 (2) “Affected land”, as defined in G.S. 74-49(1) shall not include an unrelated use that does not meet
29 the definition of mining that occurs within the permit boundaries, including activities pertaining to
30 agriculture and silviculture including timber harvesting, where an erosion and sedimentation plan is
31 approved pursuant to G.S. 113A, Article 4, when required, and the unrelated use area is shown on
32 the mine map.
33 (3) "Contaminants" shall be defined as set forth in 42 USC 9601(33) "Pollutants or Contaminants",
34 which is hereby incorporated by reference, including any amendments or subsequent editions.
35 Copies may be accessed at <https://www.govinfo.gov/content/pkg/USCODE-2023->
36 title42/html/USCODE-2023-title42-chap103-subchapI-sec9601.htm at no charge.

- (4) "Director" means the Director of the Division of Energy, Mineral and Land Resources of the Department of Environmental Quality, or any position to which the Director has delegated their authority.
- (5) "Division" means the Division of Energy, Mineral, and Land Resources.
- (6) "Filed" or "Filing", as applicable to G.S. 74-51(b), shall be deemed to occur at the start of the following business day, when an application is submitted electronically outside of business hours.
- (7) "Mining Buffer" means an unexcavated, undisturbed, or vegetative area managed to protect adjacent land owners or areas of special concern.
- (A) "Unexcavated" means no mine excavation shall occur. Unexcavated buffers may be used for roadways, berms and erosion and sedimentation control or stabilization. Excavation may be allowed for sediment basins or erosion and sedimentation control when shown on the mine map.
- (B) "Undisturbed" means no disturbance shall occur.
- (C) "Vegetative Buffer" means an unexcavated buffer that may be managed through landscaping or additional plantings.
- (8) "Non-public roads" means any private road that is not maintained by the State or had maintenance requirements delegated to a municipality. Temporary access roads utilized for exploratory purposes shall not be considered non-public roads when they comply with any requirements for approvals pursuant to G.S. 113A, Article 4.
- (9) "Notice", as applicable to G.S. 74-50(b3), includes written or electronic correspondence.
- (10) "On-site Construction" means development of a site where the primary purpose is to construct, develop, or erect, structures, infrastructure, or waste facilities, and the removal, but not sale, of any extracted material off-site is incidental to the primary purpose and time limited.
- (11) "Transfer Material" means material brought into the mine permit boundary for the purpose of blending, recycling, or upgrading of onsite materials for the purpose of resale.

History Note: Authority G.S. 74-50 through 74--53; 74--56 to 74---59; 74-~~77~~75 through 74-85; 74---87; 143B--290;
Eff. February 1, 1976;
Amended Eff. January 31, 1979; September 3, 1976;
Readopted Eff. August 1, 1982;
Amended Eff. August 1, 2012 (see S.L. 2012-143, s.1.(f)); April 1, 1990; December 1, 1983;
Readopted Eff. XXXX, 2025

1 15A NCAC 05B .0103 IS PROPOSED FOR READOPTION WITH SUBSTANTIVE CHANGES AS FOLLOWS:

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3 **15A NCAC 05B .0103 BONDING REQUIREMENTS**

4 (a) After an application for a new mining permit or permit ~~renewal, modification,~~ modification, or transfer is
5 ~~considered approvable-~~ approved by the Department, an applicant or permittee ~~shall-~~ must file a bond with the
6 Department in an amount to be determined by the ~~Director,~~ Director in accordance with this Rule and G.S. 74-54.

7 (b) If the applicant or permittee disagrees with the bond amount determined by the Director, the applicant or permittee
8 may submit to the Director for consideration, an estimate of reclamation costs from a third-party contractor to be used
9 as the bond amount. The estimate shall be provided to the Director within 30 days following the receipt of the
10 Director's initial bond determination. After considering the estimate and recommendations ~~provided by Division~~ his
11 staff, the Director shall notify the applicant or permittee of ~~his~~ the bond determination and the process and conditions
12 used to set the bond amount.

13 (c) The Director ~~may~~ shall invite allow the applicant or permittee to submit to the Department an estimate of
14 reclamation costs from a third-party contractor for the Director's use in determining the required bond amount. After
15 considering the estimate and the recommendations provided by ~~his~~ Division staff, the Director shall notify the
16 applicant or permittee of ~~his~~ the bond determination and the process and conditions used to set the bond amount.

17 (d) The amount of the bond shall be based on the costs to reclaim the affected land as determined by the reclamation
18 plan approved pursuant to G.S. 74-53 and ~~15A NCAC 5B .0004(b).~~ 15A NCAC 05B .0104(b). ~~The bond amount shall~~
19 ~~be based on a range of five hundred dollars (\$500.00) to five thousand (\$5000.00) per acre of land approved by the~~
20 ~~Department to be affected.~~ If the mining permit is modified to increase the total affected land, the bond shall be
21 increased ~~accordingly~~ pursuant to this Rule. The Director shall consider the method and extent of the required
22 reclamation for a particular site in determining the bond amount. As areas at a site are reclaimed and formally released
23 by the Department, the permittee may substitute a bond in an amount covering the remaining affected land at the site
24 for the bond previously filed with the Department; otherwise, without such bond substitution, the Department shall
25 retain the previously filed bond until all reclamation has been completed and approved by the Department.

26 (e) The initial bond calculation amount shall be based upon the criteria included in the table in Subparagraph (1) of
27 this Paragraph and applied per acre of land approved by the Department to be affected. The criteria in Subparagraph
28 (1) of this Paragraph does not apply to existing bonds already on file with the Department, until action is required to
29 change the bond including new, transfer, modified mining permits on file with the Department or compliance action
30 taken by the Department.

31 (1) Table of Mining Reclamation Factors.

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Commodity Codes:			
SG	Sand and/or Gravel	PF	Pyrophyllite
GS	Gemstone	OL	Olivine
Borrow	Borrow/fill dirt	KY	Kyanite/Sillimanite/Andalusite

CS	Crushed Stone	PH	Phosphate
DS	Dimension Stone	CL	Clay/Shale
FS	Feldspar	PE	Peat
MI	Mica	AU	Gold
LI	Lithium	TI	Titanium

Type	Tailings/ Sediment Ponds (Lake)	Tailings/ Sediment Ponds (Filled In)	Stockpiles	Wastepiles	Processing Area/Haul Roads	Mine Excavation (Lake)	Mine Excavation (Positive Drainage)
SG,GS, Borrow	\$810	\$2,430	\$2,916	\$3,240	\$,2916	\$810	\$3,240
CS, DS, FS, MI, LI, PF, OL, KY	\$810	\$2,430	\$2,916	\$3,240	\$3,240	\$810	\$4,050
PH	\$1,620	\$4,050	\$4,050	\$8,100	\$8,100	\$3,240	\$8,100
CL	\$1,620	\$4,050	\$4,050	\$8,100	\$8,100	\$3,240	\$5,994
PE, AU, TI, OT	\$1,620	\$4,050	\$4,050	\$4,860	\$5,670	\$3,240	\$8,100

(2) the amounts included in Subparapgraph (1) of this Paragraph shall be increased by two percent per year on an annual basis beginning on July 1, 2027.

(f) The final bond amount shall be calculated by increasing the initial bond calculation from Paragraph (e) of this Rule, by two percent per year of the estimated life of mine or life of lease to account for estimated inflation. The calculation shall be performed by Simple interest: $\text{Bond} = \text{Current Bond Value} \times (1 + (.02 \times \# \text{ of years}))$.

(g) If an applicant or permittee has multiple sites, the applicant or permittee may file a separate bond with the Department for each site or the applicant or permittee may submit one blanket bond covering all sites in the aggregate amount of all bond totals. Once the total amount of all bonds for separate sites or the total blanket bond(s) bond for all sites reaches ~~five hundred thousand dollars (\$500,000)~~ one million dollars (\$1,000,000):

(1) the applicant or permittee with separate bonds may substitute a ~~five hundred thousand dollar (\$500,000)~~ one million dollars (\$1,000,000) blanket bond to be used for all future sites, or

(2) the applicant or permittee with ~~five hundred thousand dollar (\$500,000)~~ one million dollars (\$1,000,000) blanket bond covering all sites may use that blanket bond for all future sites,

1 if the Director finds that the applicant or permittee, in either case, has a good operating record, that the five hundred
2 thousand dollars (\$500,000) is sufficient to reclaim all sites and that no additional reclamation bond money is needed.

3 If the Director finds that the applicant or permittee does not have a good operating record, that the five hundred
4 thousand dollars (\$500,000) is not sufficient to reclaim all sites, or that additional reclamation money is needed, the
5 Director shall require per acreage bonding for future sites as provided in Paragraph (d) of this Rule.

6 (f) For the purposes of this Rule, a good operating record is defined as two consecutive years of operation within the
7 State of North Carolina without final assessment of a civil penalty or other enforcement action pursuant to G.S. 74-
8 64, or having a permit suspended or revoked under G.S. 74-58, or having a bond or other surety forfeited under G.S.
9 74-59. For the purposes of this Rule, a bond shall include any and all types ~~type~~ of security allowed under G.S. 74-54.

10 (h) In accordance with G.S. 74-51(h) no permit shall be issued until the operator deposits with the Department a
11 reclamation bond pursuant to G.S. 74-54. Upon written request of the applicant or permittee to the Director, an
12 additional specified period of time to deposit the bond, not to exceed 60 days shall be granted by the Director.

13 (i) In accordance with G.S. 74-51(d)(1) failure to provide the required security within the specified time period, or
14 any extension granted pursuant to Paragraph (h) of this Rule, shall result in denial of the application.

15 (j) Any bond deposited with the Department shall include the following elements:

16 (1) Surety Bonds:

17 (A) Name, address and type of business entity of Principal exactly matching name of Permittee;

18 (B) The State of North Carolina, Department of Environmental Quality 1612 Mail Service
19 Center Raleigh, North Carolina 27699-1612 as the Obligee;

20 (C) Name and address of Surety authorized by the Insurance Commissioner of North Carolina
21 to do business in North Carolina;

22 (D) Sum of bonded amount required under this Rule;

23 (E) Conditioned that the Principal conducts or will conduct mining operations in North
24 Carolina as described in the application for an operating permit which includes a
25 Reclamation Plan as provided in G.S. 74-53 and has obtained approval of the application
26 from the Department of Environmental Quality;

27 (F) Further conditioned that if the Principal shall comply with the requirements set forth in
28 "The Mining Act of 1971" (G.S. 74-46 through 74-68) and with the rules and regulations
29 adopted pursuant thereto and faithfully perform all obligations under their approved
30 Reclamation Plan then this obligation shall be null and void; otherwise to be and remain in
31 full force and effect until released by the Department of Environmental Quality in
32 accordance with G.S. 74-56 or canceled by the surety. Cancellation by the surety shall be
33 effectuated only upon 60 days written notice thereof to the Department of Environmental
34 Quality and the operator as provided in G.S. 74-54;

35 (G) Signature, Name, Title and Attestation by Officer of the Principal; and

36 (H) Notarization.

37 (2) Assignment of Savings Account:

- 1 (A) Name, address and type of business entity of Assignor exactly matching name of Permittee;
2 (B) The State of North Carolina, Department of Environmental Quality, 1612 Mail Service
3 Center, Raleigh, North Carolina 27699-1612 as the Assignee;
4 (C) Name, address and account information for the bank holding assigned account;
5 (D) Sum of assigned amount required under this Rule;
6 (E) Statement that, in consideration of the promises contained in the agreement and the
7 Department accepting the assignment of the savings account in question, the Assignor sells,
8 assigns, transfers and sets over to the Department the sum in Part (j)(2)(D) of this Rule and
9 directly authorizes the bank holding the assigned account to pay over to the Department
10 the sum in Part (j)(2)(D) of this Rule upon request;
11 (F) Conditioned that if the Assignor conducts the mining operations faithfully, honestly, and
12 lawfully and in compliance with the requirements of the Mining Act of 1971 and applicable
13 rules and regulations adopted pursuant thereto, then the assignment shall be null and void;
14 otherwise it shall remain in full force and effect and that compliance with the requirement
15 of the Mining Act of 1971 and applicable rules and regulations shall be determined by the
16 Department;
17 (G) Specification that the assignment is made and held by the Department as collateral security
18 in lieu of a surety bond in accordance with "The Mining Act of 1971" (G.S. 74-46 through
19 74-68) to assure compliance and reclamation of the permitted operation and for all direct
20 or indirect liabilities of the assignor Operator to the assignee Department that may arise by
21 reason of the Mining Act 1971, Article 7, Chapter 74 of the General Statutes of North
22 Carolina;
23 (H) Signature, Name and Title of an officer of the Assignor;
24 (I) Notarization of the Assignor's signature;
25 (J) Signature, Name and Title of an officer of the bank holding the assigned account
26 acknowledging the assignment and committing that the funds assigned shall not be
27 disbursed except to the Department so long as the assignment remains in effect; and
28 (K) Notarization of the Bank's signature.
29 (3) Irrevocable Standby Letter of Credit (ILOC)
30 (A) Name, address and type of business entity of Operator exactly matching name of Permittee;
31 (B) Name, address and type of business entity of Issuing Institution;
32 (C) The State of North Carolina, Department of Environmental Quality, Department of
33 Environmental Quality 1612 Mail Service Center Raleigh, North Carolina 27699-1612 as
34 the Beneficiary;
35 (D) Effective Date of the ILOC;

- 1 (E) Automatic renewal clause, such that the ILOC is continuous in nature, subject to at least
2 60 days notice via certified mail, return receipt requested, to the Permittee and the
3 Department prior to nonrenewal;
- 4 (F) Sum of the ILOC required under this Rule;
- 5 (G) That the sum of the ILOC is available by the Department drafts on sight;
- 6 (H) Instructions for drafts by the Department;
- 7 (I) Non-transferability clause;
- 8 (J) Choice of Law provisions specifying North Carolina venue for all disputes
- 9 (K) Statement that the Issuing Institution agrees with the drawers, endorsers, and bona fide
10 holders that all drafts drawn under and in compliance with the terms of the ILOC will be
11 duly honored upon presentation to the Issuing Institution.
- 12 (L) Statement that the ILOC is being issued in lieu of a surety bond in accordance with "The
13 Mining Act of 1971" (G.S. 74-46 through 74-68) to assure compliance and reclamation of
14 the permitted operation;
- 15 (M) Signature, Name and Title of an officer of the Issuing Institution; and
- 16 (N) Notarization of the Issuing Institution officer's signature.
- 17 (4) Bank Guaranty
- 18 (A) Name, address and type of business entity of Operator exactly matching name of Permittee;
- 19 (B) Name, address and type of business entity of Issuing Institution;
- 20 (C) The State of North Carolina, Department of Environmental Quality, Department of
21 Environmental Quality 1612 Mail Service Center Raleigh, North Carolina 27699-1612 as
22 the Beneficiary;
- 23 (D) Effective Date of the guaranty;
- 24 (E) Automatic renewal clause, such that the guaranty is continuous in nature, subject to at least
25 60 days notice via certified mail, return receipt requested, to the Permittee and the
26 Department prior to nonrenewal;
- 27 (F) Sum of the guaranty required under this Rule;
- 28 (G) That the sum of the guaranty is available by the Department drafts on sight;
- 29 (H) Instructions for drafts by the Department;
- 30 (I) Non-transferability clause;
- 31 (J) Choice of Law provisions specifying North Carolina venue for all disputes
- 32 (K) Statement that the Issuing Institution agrees with the drawers, endorsers, and bona fide
33 holders that all drafts drawn under and in compliance with the terms of the guaranty will
34 be duly honored upon presentation to the Issuing Institution.
- 35 (L) Statement that the guaranty is being issued in lieu of a surety bond in accordance with "The
36 Mining Act of 1971" (G.S. 74-46 through 74-68) to assure compliance and reclamation of
37 the permitted operation;

(M) Signature, Name and Title of an officer of the Issuing Institution; and

(N) Notarization of the Issuing Institution officer's signature.

(5) Cash Deposit:

(A) Cash in the form of a cashiers or certified check in the sum required under this Rule; and

(B) Cover Letter specifically identifying Permittee and specifying the intended function of the money to serve as the required bond amount under this Rule

History Note: Authority G.S. 7451; 7454; 143B-290;

Eff. February 1, 1976;

Amended Eff. January 1, 1994; April 1, 1990; November 1, 1985; November 1, 1984;

Readopted Eff. XXXX, 2025.

1 15A NCAC 05B .0104 IS PROPOSED FOR READOPTION WITH SUBSTANTIVE CHANGES AS FOLLOWS:

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3 **15A NCAC 05B .0104 INFORMATION REQUIRED IN PERMIT APPLICATION**

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

- 7 (1) materials to be mined;
- 8 (2) method of mining;
- 9 (3) expected depth of mine;
- 10 (4) size of the mine, including:
 - 11 (A) acreage for tailings ponds,
 - 12 (B) acreage for stockpiles,
 - 13 (C) acreage for waste piles,
 - 14 (D) acreage for processing plants,
 - 15 (E) acreage for mine excavation,
 - 16 (F) acreage for annual disturbance;
- 17 (5) anticipated effect on wildlife, freshwater, estuarine or marine fisheries;
- 18 (6) ~~whether or not the mining operation will have a waste water wastewater discharge or air contaminant~~
19 ~~emission which that~~ that will require a permit from the division of environmental management; Division
20 of Water Resources, an air contaminant emission that will require a permit from the Division of Air
21 Quality, or will have a stormwater discharge that will require a permit from the Division of Energy,
22 Mineral, and Land Resources;
- 23 (7) ~~method~~ methods to prevent physical hazard to any neighboring dwelling house, school, church,
24 hospital, commercial or industrial building, or public road if the mining excavation will come within
25 300 feet thereof;
- 26 (8) ~~measures to be taken required~~ to insure ensure against landslides and acid water pollution;
- 27 (9) ~~measures to be taken required~~ to minimize siltation of streams, lakes, or adjacent properties during
28 the mining operation;
- 29 (10) ~~measures to be taken required~~ to screen the mining operation from public view-view;
- 30 (11) name of mine and location;
- 31 (12) responsible officer contact information;
- 32 (13) site contact information; and
- 33 (14) statement of authority as provided in Paragraph (f) of this Rule, when necessary.

34 (b) Information required in the reclamation plan shall ~~include~~ include methods and construction details for:

- 35 (1) intended plan for overall mine reclamation, subsequent land use and the ~~general~~ methods to be used
36 in reclaiming the affected land;
- 37 (2) intended practices ~~to be taken required~~ 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; and
- (10) plan for revegetation and reforestation or other surface treatment of the affected areas which plan ~~shall~~ must be approved in writing by one of the following prior to submission of the application:
- (A) Authorized ~~representatives~~ representative of the local soil and water conservation district having jurisdiction over lands in question;
- (B) Authorized ~~representatives~~ representative of the ~~division of forest resources, Department of Environment, Health, and Natural Resources;~~ North Carolina Forest Service within the Department of Agriculture and Consumer Services;
- (C) North Carolina Cooperative Extension County agricultural extension chairmen, County Director in a county listed in the county(s) where the site is located or research and extension personnel headquartered at North Carolina State University in the school of agriculture and life sciences School of Agriculture and Life Sciences;
- (D) North Carolina licensed ~~landscape architects;~~ Landscape Architect pursuant to G.S. 89A;
- (E) North Carolina licensed Professional Engineer pursuant to G.S.89C;
- ~~(E)(F)~~ Private consulting ~~foresters~~ forester referred by the ~~division of forest resources, Department of Environment, Health, and Natural Resources;~~ North Carolina Forest Service within the Department of Agriculture and Consumer Services; or
- ~~(F)(G)~~ Others as may be approved by the ~~department;~~ 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) In lieu of the written approval required by Subparagraph (10) of this Paragraph a plan for revegetation and reforestation developed utilizing one of the following:
- (A) North Carolina Erosion and Sedimentation Control Planning and Design Manual; or
- (B) North Carolina Surface Mining Manual: A Guide for Permitting, Operation and Reclamation; and
- ~~(11)(12)~~ 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.~~ years unless a longer period is specifically permitted by the Department.

(c) ~~An application shall include~~ In addition to the form, the operator shall also submit two copies of a county map showing the mine location and two copies a copy of a mine map. Mine maps shall be consistent with the reclamation plan and shall ~~should~~ be accurate drawings, aerial photographs or enlarged topographic maps of the mine area and ~~must clearly~~ shall 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.~~; the mine if not contiguous to the mine property.);
- (6) location and name of streams and lakes;
- (7) outline of settling ponds;
- (8) location of access roads;
- (9) mine permit boundaries;
- (10) existing and proposed contours showing all drainage areas;
- ~~(9)~~(11) map legend; legend, including:
 - (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)~~(12) names of owners of record, both public and private, of all adjoining ~~land~~ land as is specified in G.S. 74-50.
- (13) Any unrelated use area, that has the potential to disturb the soil surface, that does not meet the definition of mining within the permit boundaries.
- (14) Vicinity map showing the mining operation in relation to the general area at a minimum scale of 1:24,000.
- (15) Drawings showing typical sections or cross sections and layout of proposed reclamation where such drawings will assist in describing reclamation.
- (16) Approximate limits of future reserves not included in affected area.
- (17) Intended reclamation for projected phases or segments when reclamation is accomplished concurrently with mining.

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~~ names and ~~address~~ addresses of all known owners, both private and public of all land adjoining the proposed mining site as is specified in G.S. 74-50 and as determined by a diligent search of the tax records or other sources of information approved in advance by the Department about property ownership in a manner reasonable calculated to identify that identifies the owners of all adjoining land and approved by the ~~department~~ Department. The proposed mining site means all land to be included within the proposed permitted area;
- (2) The ~~name~~ names and addresses of the county, city and town managers, who serve as the chief administrative officer officers, of the county or municipality of the local governments in which any part of the proposed mining site is located together with the officer's mailing address; located; and
- (3) Pursuant to G.S. 74-50, Proof proof satisfactory to the ~~department~~ Department that the applicant has made ~~a reasonable~~ the required effort to notify all owners of record of all adjoining land and the chief administrative ~~officer~~ officers of the county ~~or~~ and municipality of the pending application. Proof satisfactory to the ~~department~~ Department shall include an affidavit by the applicant ~~that he has caused stating that~~ a notice of the pending application ~~to be~~ has been sent by certified or registered mail to all known adjoining owners and to the chief administrative ~~officer~~ officers of the county or municipality. Other means of notice shall be satisfactory if approved in advance by the ~~department.~~ Department.
- (4) A copy of the recorded right of entry agreement that runs with the land, is binding on landowners, lessees and permittees and extinguishes permit release, providing that the landowner may not interfere with the permittee's obligations or the Department's ability to perform reclamation.
- (5) Any application submitted to the Department for approval of mining activities pursuant to G.S. 74-50 shall include proof of ownership or the portion of valid and unexpired Memorandum Of Lease or option from the property owner allowing mining activities for all lands to be included in the permitted area as defined in G.S. 74-50(b)(3).

(e) An application for a mining permit shall not be deemed filed pursuant to G.S. 74-51(b) until the nonrefundable permit application processing fee required pursuant to G.S. 74-54.1 is received by the Department. If the necessary fee is not received within 30 days of initial receipt of the application, the application shall be denied and required to be resubmitted in its entirety.

(f) Permit applications shall be signed as follows:

- (1) in the case of corporations, by a principal executive officer of at least the level of vice-president, or their authorized representative;
- (2) in the case of a partnership or limited partnership, by a general partner;
- (3) in the case of a sole proprietorship, by the proprietor;

1 (4) in the case of a municipal, state or other public entity by either a principal executive officer, ranking
2 official or other duly authorized employee.

3 (5) in the case of a limited liability company, by a managing member. The signature of the consulting
4 engineer or other agent shall be accepted on the application only if accompanied by a letter of
5 authorization from one of the individuals listed in Subparagraphs (1) through (5) of this Paragraph.

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7 *History Note: Authority G.S. 74-63; 74--51; 74---53; 74-56;*

8 *Eff. February 1, 1976;*

9 *Amended Eff. April 1, 1990; May 1, 1982; September 1, 1979; January 31, 1979;*

10 *Readopted Eff. XXXX, 2025.*

1 15A NCAC 05B .0105 IS PROPOSED FOR READOPTION WITH SUBSTANTIVE CHANGES AS FOLLOWS:

2
3 **15A NCAC 05B .0105 CONDITIONS WHICH MAY BE INCLUDED IN PERMIT**

4 To ~~assure~~ ensure that the mining operation will comply fully ~~fully complies~~ with the requirements and objectives of
5 the Mining Act of 1971, the ~~director~~ Director may ~~approve an application or reclamation plan subject to certain~~
6 ~~conditions. Such conditions of application approval may include:~~ require that a permit or reclamation plan contain
7 conditions including:

- 8 (1) additional erosion control measures to be installed during the mining ~~operation;~~ operation as
9 specified in G.S. 74-51;
- 10 (2) a ~~natural vegetated~~ buffer to be left between any stream and the affected ~~land;~~ land when specified
11 in State or local stream protection requirements.
- 12 (3) visual screening such as existing ~~natural vegetation,~~ vegetated earthen berms, and tree plantings at
13 staggered ~~spacing~~ spacing, etc. to be installed and maintained ~~as feasible~~ between any affected land
14 and any adjoining property containing occupied buildings or public access within view of the
15 affected land; any screening conditions shall take into consideration the mining operation activities
16 that are being screened and the current usage of the neighboring property.
- 17 (4) erosion control measures to be taken during the construction and operation of all haul roads or access
18 roads to minimize offsite damage from ~~sediment;~~ sediment.
- 19 (5) other conditions necessary to safeguard the adjacent surface resources or wildlife.
- 20 (6) hydrogeological analysis to assess potential influences of mine dewatering on water supply wells
21 and measures to mitigate potential adverse impacts.

22
23 *History Note:* Authority G.S. 74-63; 74---51;
24 Eff. February 1, 1976;
25 Amended Eff. May 1, 1992; November 1, 1984;
26 Readopted Eff. XXXX, 2025.
27

1 15A NCAC 05B .0106 IS PROPOSED FOR REPEAL THROUGH READOPTON AS FOLLOWS:

2
3 **15A NCAC 05B .0106 STANDARDS FOR DENYING AN APPLICATION**

4 ~~An application for a mining permit including new permits, modified permits and renewal permits, may be denied~~
5 ~~when the operation will have an unduly adverse effect on wildlife or fisheries by:~~

6 ~~(1) substantial siltation of streams or lake beds, increasing the average water temperature of adjacent~~
7 ~~waterways to a temperature detrimental to the pre-existing aquatic wildlife; or~~

8 ~~(2) other conditions designated by the North Carolina Wildlife Resources Commission as being unduly~~
9 ~~detrimental to wildlife.~~

10
11 *History Note: Authority G.S. 74-51; 74--58; 74---63;*

12 *Eff. February 1, 1976;*

13 *Amended Eff. November 1, 1984;*

14 *Repealed Eff. XXXX, 2025*
15

1 15A NCAC 05B .0110 IS PROPOSED FOR READOPTION WITH SUBSTANTIVE CHANGES AS FOLLOWS:

2
3 **15A NCAC 05B .0110 MINING RECLAMATION REPORTS**

4 ~~The mine operator shall, by February 1 of each year during the life of the permitted operation, and within 30 days of~~
5 ~~completion or termination of mining on an area under permit, file with the department a mining reclamation report on~~
6 ~~a form prescribed by the department.~~

7 (a) Upon completion of reclamation of an area of land, the operator shall notify the Department and complete a release
8 request that includes the details found on the reclamation report as required to be filed by G.S. 74-55.

9 (b) If the Department receives a release request on or before September 30, the Department may waive the annual fee
10 for the permit year. Where a site is determined to not be eligible for release pursuant to G.S. 74-56, the Department
11 may revoke the waiver prior to December 31.

12
13 *History Note: Authority G.S. 74-55; 143B---290;*

14 *Eff. March 30, 1978;*

15 *Amended Eff. November 1, 1984;*

16 *Readopted Eff. XXXX, 2025.*
17

1 15A NCAC 05B .0111 IS PROPOSED FOR READOPTION WITH SUBSTANTIVE CHANGES AS FOLLOWS:

2
3 **15A NCAC 05B .0111 PUBLIC HEARINGS**

4 (a) If the ~~department~~ Department determines that there exists a significant public interest in an application for a new
5 mining permit, or for a modification that adds land to the existing permit, the ~~director~~ Director shall appoint a hearing
6 officer to conduct a public hearing on the application which shall be held no ~~sooner than 20 or~~ later than ~~60 days~~ 90
7 days of from the filing of the application and before the ~~department~~ Department makes its final decision regarding the
8 application.

9 (b) At least ~~40~~ 20 days prior to the public hearing, the ~~department~~ Department shall ~~publish~~ provide notice ~~thereof~~ in
10 a newspaper ~~of or other media platform with~~ general coverage in the county(s) in which the proposed mine is located.
11 ~~The department may also give notice to the public by other means.~~ In addition, the ~~department~~ Department shall cause
12 written notice of the hearing to be sent by certified or registered mail to the applicant and to the known owners of all
13 adjoining ~~land~~. land as specified in G.S. 74-50.

14 (c) Any person may appear at the public hearing and give oral or written comments on the proposed application. The
15 hearing officer may impose ~~reasonable~~ limitations on the length of time that any person may speak and may summarize
16 comments rather than recording them in full. The hearing officer may allow additional written comments to be
17 submitted for up to ten days after the hearing ~~hearing after which the public comment period will be considered closed~~
18 and no other public comments can be considered in the final determination of the application. ~~within a period of time~~
19 ~~he deems appropriate which shall not exceed ten days.~~

20 (d) Within ten days after the hearing or time for additional comment, the hearing officer shall prepare a written report
21 summarizing the comments that were submitted regarding the application. The report shall include copies of all written
22 comments submitted. Copies of the report shall be made available to the applicant or members of the public upon
23 request. The ~~department~~ Department shall give full consideration to all comments contained in the hearing record in
24 making its final determination on the application.

25 (e) In the event there is not a public hearing, public comments will be accepted for 60 days following the receipt of
26 the application after which the public comment period will be considered closed and no other public comments will
27 be considered in the final determination of the application.

28
29 *History Note: Authority G.S. 74-51; 74-63; 74-86;*

30 *Eff. May 1, 1982;*

31 *Readopted Eff. XXXX, 2025.*

1 15A NCAC 05B .0112 IS PROPOSED FOR READOPTION WITH SUBSTANTIVE CHANGES AS FOLLOWS:

3 **15A NCAC 05B .0112 PERMIT APPLICATION PROCESSING FEES**

4 (a) A nonrefundable permit application processing fee, in the amounts stated in G.S. 74-54.1, Paragraphs (b), (c) and
5 (d) of this Rule, shall be paid when an application for a new mining ~~permit~~ permit or a permit modification, ~~or a~~
6 ~~renewal permit~~ or transfer is filed in accordance with G.S. 74-51 or G.S. 74-52 and ~~15A NCAC 5B .0003, .0004, and~~
7 ~~.0005, the rules of this Subchapter.~~

8 (1) The acreage for a new permit application shall include the total acreage contained within the
9 permitted area.

10 (2) The acreage for a permit modification shall be limited to the increase in proposed acreage of affected
11 land internal to the existing permitted area plus any new acreage proposed to be added to the
12 permitted area beyond the existing permit boundary.

13 (3) The fee for a permit transfer shall remain a flat fee regardless of acreage.

14 (4) For purposes of calculations pursuant to G.S. 74-54.1, the referenced acreage ranges shall include
15 anything less than 26 acres as “0-25 acres” and anything equal to or greater than 26 acres as “26+
16 acres”.

17 (b) No fee is required for administrative changes initiated by the Director.

18 ~~(b) A non refundable fifty dollar (\$50.00) permit application processing fee is required for minor permit~~
19 ~~modifications. Minor permit modifications include administrative changes such as ownership transfers, name~~
20 ~~changes, and bond substitutions. A minor permit modification also includes lands added to a permitted area, outside~~
21 ~~of the minimum permit buffer zone requirements, where no plans for mining related disturbance of the added lands~~
22 ~~have been approved. All other changes to the permit are major modifications. No fee is required for administrative~~
23 ~~changes initiated by the Director to correct processing errors, to change permit standards or to implement new~~
24 ~~standards.~~

25 ~~(c) A non refundable fifty dollar (\$50.00) permit application processing fee is required for permit renewal of an~~
26 ~~inactive site, provided that any previously disturbed areas have been reclaimed in a manner acceptable to the~~
27 ~~Department. Once renewed, prior to initiating any mining related disturbance, an application for a major modification~~
28 ~~and a processing fee shall be submitted to and approved by the Department. For purposes of this Paragraph, and~~
29 ~~notwithstanding Paragraph (d) of this Rule, the acreage for a major modification shall be the total acreage at the site.~~
30 ~~All other modifications to the renewed permit shall be governed by Paragraphs (b) and (d) of this Rule.~~

31 ~~(d) e) For the purposes of this Rule, acres for new permits and renewal permits means the total acreage at the site; and~~
32 ~~acres for major modification of permits means that area of land affected by the modification within the permitted mine~~
33 ~~area, or any additional land that is to be disturbed and added to an existing permitted area, or both. Each permit~~
34 ~~application shall be deemed incomplete until the permit application processing fee is paid. Schedule of Fees:~~

36 —MAJOR

37 TYPE	ACRES	NEW PERMIT	MODIFICATION	RENEWAL
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CLAY	1 but less than 25	\$ 500	\$ 250	\$ 250
	25 but less than 50	1000	500	500
	50 or more	1500	500	500
SAND & GRAVEL, GEMSTONE AND BORROW PITS	1 but less than 5	150	100	100
	5 but less than 25	250	100	100
	25 but less than 50	500	250	500
	50 or more	1000	500	500
QUARRY, INDUSTRIAL MINERALS, DIMENSION STONE	1 but less than 10	250	100	100
	10 but less than 25	1000	250	500
	25 but less than 50	1500	500	500
	50 or more	2500	500	500
PEAT & PHOSPHATE	1 or more	2500	500	500
GOLD (HEAP LEACH), TITANIUM & OTHERS	1 or more	2500	500	500

(e) ~~Payment of the permit application processing fee shall be by check or money order made payable to the "N.C. Department of Environment, Health, and Natural Resources". The payment shall refer to the new permit, permit modification or permit renewal.~~

(f) ~~In order to comply with the limit on fees set forth in G.S. 143B-290(4)b, the Director shall, in the first half of each state fiscal year, project revenues for the fiscal year from fees collected pursuant to this Rule. If this projection shows that the statutory limit will be exceeded, the Director shall order a pro rata reduction in the fee schedule for the remainder of the fiscal year to avoid revenue collection in excess of the statutory limits.~~

(c) Any new permit issued between September 1 and December 31 shall not be required to pay the annual operating fee or submit the annual reclamation report for that same calendar year.

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History Note: Filed as a Temporary Rule Eff. November 1, 1990, for a Period of 180 Days to Expire on April 29, 1991;
Authority G.S. 143B--290;
ARRC Objection Lodged November 14, 1990;
ARRC Objection Removed December 20, 1990;
Eff. January 1, 1991;
Amended Eff. December 1, 1991;
Readopted Eff. XXXX, 2025.

1 15A NCAC 05B .0113 IS PROPOSED FOR READOPTION WITHOUT SUBSTANTIVE CHANGES AS
2 FOLLOWS:

3
4 **15A NCAC 05B .0113 RESPONSE DEADLINE TO DEPARTMENT'S REQUEST(S)**

5 An applicant or permittee shall submit to the Department supplemental information regarding an application for a new
6 ~~permit or modified, permit, or permit renewal or permit transfer~~ within 180 days after the date of receipt of the
7 Department's written ~~request(s)~~ request for such information. Upon written request of the applicant or permittee to
8 the Director, an additional ~~reasonable~~ specified period of time not to exceed one year ~~shall~~ may be granted ~~upon~~
9 ~~determination of good cause by the Director. Additional time may be granted by the Mining and Energy Commission,~~
10 ~~provided written request is made by the applicant or permittee before the expiration of the one year period.~~

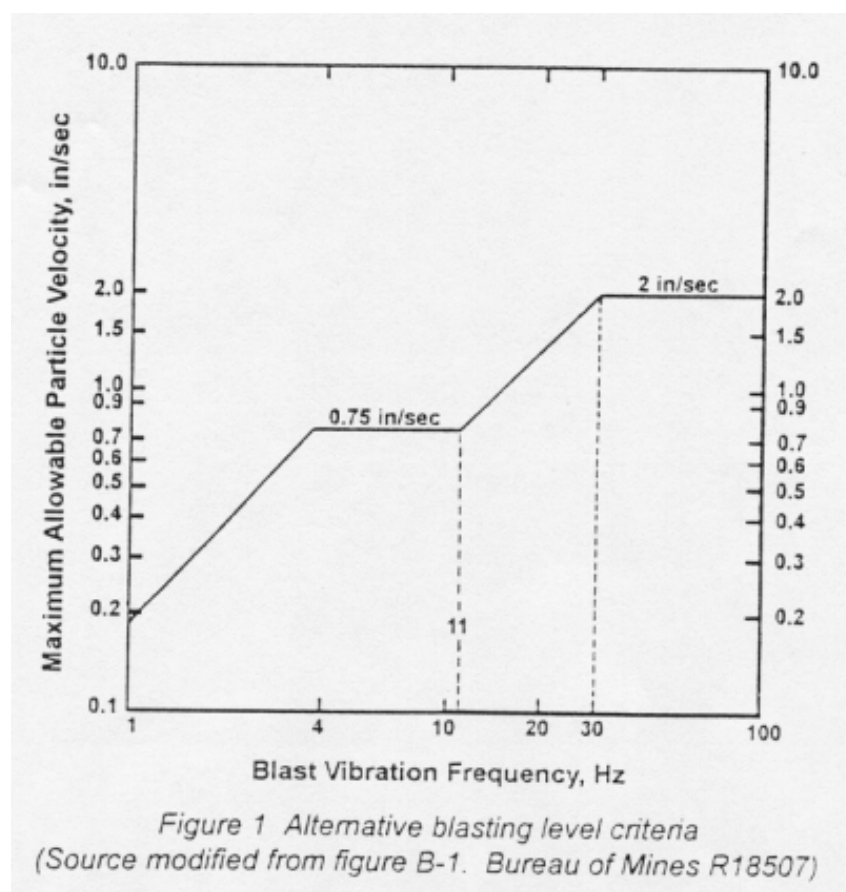
11
12 *History Note: Authority G.S. 74-51; 74--52; 74--63; 143B---290;*
13 *RRC Objection Eff. September 15, 1994 due to lack of statutory authority;*
14 *Eff. November 1, 1994;*
15 *Amended Eff. August 1, 2012 (see S.L. 2012-143, s.1.(d));*
16 *Readopted Eff. XXXX, 2025.*
17

1 15A NCAC 05B .0114 IS PROPOSED FOR ADOPTION AS FOLLOWS:

2
3 **15A NCAC 05B .0114 BLASTING**

4 (a) At any site where blasting occurs, the operator shall monitor each blast with a seismograph located at a distance
5 no farther than the closest off site regularly occupied structure not owned or leased by the operator. A seismographic
6 record including peak particle velocity, air overpressure, and vibration frequency levels shall be kept for each blast,
7 except as provided in Paragraphs (c) and (e) of this Rule.

8 (b) In all blasting operations, the maximum peak particle velocity of any component of ground motion shall not exceed
9 the alternative ground vibration limits in this Paragraph at the nearest regularly occupied building outside of the
10 permitted area such as a dwelling house, church, school, or public, commercial, or institutional building.



11
12 (c) In the event of seismograph malfunction or other condition that prevents monitoring, blasting shall be conducted
13 in accordance with the following scaled distance formulas:

14
$$W = \left(\frac{D}{Ds}\right)^2 \quad Ds = \frac{D}{\sqrt{W}} \quad V = 160(Ds)^{-1.6}$$

15 W = Maximum charge weight of explosives per delay period of 8 milliseconds or
16 more (pounds).

D = Distance from the blast site to the nearest inhabited building not owned or leased by the mine operator. (feet).

Ds = Scaled distance factor.

V = Peak Particle Velocity (inches per second).

The peak particle velocity of any component shall not exceed 1.0 inch per second, for the purposes of this Paragraph.

(d) Air blast overpressure resulting from surface blasting shall not exceed 129 decibels linear (dBL) as measured at the nearest regularly occupied building not owned or leased by the operator outside of the permitted area such as a dwelling house, church, school, or public, commercial, or institutional building, unless an alternate level based on the sensitivity of the seismograph microphone as specified in this Paragraph of this Rule:

<u>Lower Frequency Limit of Measuring System (Hz)</u>	<u>Max Level (dBL)</u>
<u>0.1 Hz or lower-flat response</u>	<u>134 peak</u>
<u>2.0 Hz or lower-flat response</u>	<u>133 peak</u>
<u>6.0 Hz or lower-flat response</u>	<u>129 peak</u>

(e) In the event of seismograph malfunction or other condition that prevents monitoring, blasting shall be conducted in accordance with the following formulas:

Formula from ISEE Blasters Handbook 17th Edition ISBN:1-892396-00-9

$$P = 1.0 \left(\frac{D}{\sqrt[3]{W}} \right)^{-1.1}$$

$$dB = 20 \log \left(\frac{P}{2.9 \times 10^{-9}} \right)$$

P = Airblast overpressure average burial (pounds per square inch).

W = Maximum charge weight of explosives per delay period of 8 milliseconds or more (pounds).

D = Distance from the blast site to the nearest inhabited building not owned or leased by the mine operator (feet).

dB = Airblast overpressure average burial (decibels).

A = Air blast or air overpressure for typical quarry situations (decibels).

The air blast/overpressure shall not exceed 129 decibels, for the purposes of this Paragraph.

(f) For the purposes of calculating Scale Distance, when using electronic detonators, the maximum charge weight of explosives per delay shall be calculated using actual delay of separation, a minimum delay of 1 milliseconds. When using non-electric detonators, the maximum charge weight shall be calculated on a delay of 8 milliseconds.

1 (g) The operator shall maintain records on each individual blast describing:

2 (1) name of Company or contractor;

3 (2) date, and time of the blast;

4 (3) type of material blasted;

5 (4) the total number of holes;

6 (5) pattern of holes and delay of intervals;

7 (6) depth and size of holes;

8 (7) type and total pounds of explosives;

9 (8) maximum pounds per 8ms delay interval;

10 (9) amount of stemming and burden for each hole;

11 (10) blast location;

12 (11) distance from blast to closest offsite regularly occupied structure;

13 (12) weather conditions at the time of the blast; and

14 (13) Whether mats or other protections were used.

15 Records shall be maintained at the permittee's mine office and copies shall be provided to the Department upon request.

16 (h) The operator shall take all reasonable precautions to ensure that flyrock is not thrown beyond areas where access
17 is temporarily or permanently guarded by the operator.

18 (i) The operator shall provide to the Department a copy of the findings of the seismic studies conducted at the mine
19 site by the permittee or their representative in response to an exceedance of a level allowed by these blasting
20 conditions. The operator shall make an effort to incorporate the studies' recommendations into the production blasting
21 program.

23 History Note: Authority G.S. 74-51; 74-63;

24 Eff. XXXX X, 2025.

1 15A NCAC 05B .0115 IS PROPOSED FOR ADOPTION AS FOLLOWS:

2
3 **15A NCAC 05B .0115 MINING PERMIT TRANSFERS**

4 (a) Pursuant to G.S. 74-51(i), a permit may be transferred from one operator to another, if both operators have complied
5 with the requirements of the Act. The sale or lease of the operation alone does not constitute an approved transfer of
6 the permit. Until a permit has been transferred by the Department to the successor operator, the existing operator shall
7 be held responsible for any activities at the site, including liability for any documented violations at the site. Liability
8 shall remain with the existing operator until such violations have been addressed to the satisfaction of the Department
9 and the Department has transferred the permit in its entirety to the successor operator.

10 (b) A valid permit may be transferred from one operator to another provided the following information has been
11 submitted on a form furnished by the Department:

12 (1) A signed statement from the existing operator requesting that the permit be transferred to the successor
13 operator. The existing mine name and permit number shall be identified in the statement.

14 (2) A non-refundable permit transfer processing fee pursuant to G.S. 74-54.1(a).

15 (3) A signed statement from the successor operator identifying the existing mine name and permit number,
16 requesting that the permit be transferred in its entirety, and accepting all responsibilities and liabilities for
17 the site with respect to the Article.

18 (4) A mine map showing the successor operator's name and contact information, current mining permit
19 boundary, acreage table, and reference to current permit number and conditions.

20 (5) The information required in Rule .0104(a)(1) through (a)(4) and (a)(12) through (15) of this Section

21 (6) A copy of the recorded right of entry agreement that runs with the land, is binding on landowners, lessees
22 and permittees and extinguishes permit release, providing that the landowner may not interfere with the
23 permittee's obligations or the Department's ability to perform reclamation.

24 (7) An acceptable security in the amount determined in Rule .0103 of this Section and using the forms
25 established in Rule .0103 of this Section covering the site. The security shall be issued in the same
26 successor operator name used in the permit transfer application.

27 (c) The permit transfer application shall be submitted to the Department no later than 60 days from the execution of
28 any purchase or lease agreement associated with a change in the responsibility for operation of the permitted site.

29 (d) Any pit expansion or other land disturbing activity anticipated within the permitted area not previously approved
30 by the Department shall require a permit modification. Expansion of permit boundaries to include additional land
31 under the permit shall require a permit modification.

32 (e) Upon approval of the permit transfer, responsibility for the full extent of the existing permitted area shall be
33 transferred to the successor operator unless the Department has authorized the release of a portion of the permitted
34 area from reclamation liability.

35 (f) Upon approval of the permit transfer, the Department shall send the new permit document to the successor operator.
36 Such permit may include updated operating and reclamation conditions to ensure compliance with the Article.

1 (g) The prior operator shall be notified by the Department of the completed permit transfer and that the prior operator
2 has been released from further liability with respect to the permit for the site. The security posted by the prior operator
3 to cover reclamation obligations at the site shall be returned by the Department to the prior operator provided the
4 security is no longer needed to cover other permitted sites under the prior operator's name.

5 (h) Permit transfers due to corporate name changes shall comply with Rule .0116 of this Section.

6
7 History Note: Authority G.S. 74-51; 74-54.1; 74-63;

8 Eff. XXXX X, 2025.

1 15A NCAC 05B .0116 IS PROPOSED FOR ADOPTION AS FOLLOWS:
2

3 **15A NCAC 05B .0116 PERMIT TRANSFERS DUE TO CORPORATE NAME CHANGES**

4 (a) In the event that the corporate name of the operator holding the permit changes, the operator shall submit a permit
5 transfer application as follows to the Department within 60 calendar days of the effective date of the corporate name
6 change:

7 (1) A letter identifying the existing and new corporate names, the effective date of the new corporate name,
8 any changes in company officers and associated contact information, and each mining permit number and
9 mine name impacted by the corporate name change.

10 (2) The Secretary of State corporate filing certificate or other legal paperwork verifying the new corporate
11 name is registered in North Carolina.

12 (3) A non-refundable permit transfer processing fee for each permit affected by the corporate name change
13 pursuant to G.S. 74-54.1(a).

14 (4) An updated or new security in the new corporate name, including any associated contact information. The
15 updated or new security shall be in the same amount as the prior security covering the reclamation
16 obligations at the site.

17 (5) A copy of the recorded right of entry agreement that runs with the land, is binding on landowners, lessees
18 and permittees and extinguishes permit release, providing that the landowner may not interfere with the
19 permittee's obligations or the Department's ability to perform reclamation.

20 (b) Upon approval of the corporate name change, the Department shall send a letter with the updated pages of the
21 relevant permits to the operator to attach to the existing relevant permits.

22
23 History Note: Authority G.S. 74-50; 74-51; 74-54.1; 74-63;

24 Eff. XXXX X, 2025.
25

15A NCAC 05B .0117 IS PROPOSED FOR ADOPTION AS FOLLOWS:

15A NCAC 05B .0117 DRAFT PERMITS

Upon approval of an application prior to receipt of any performance bond or security, new or updated, any operating permit generated by the Department shall be considered a preliminary draft and shall not be considered issued or binding, regardless of whether the draft is shared with the applicant. Where a new or modified performance bond or other security is required pursuant to G.S. 74-54, timely approval of an application, pursuant to G.S. 74-51(h), shall satisfy the requirement to grant a permit within the deadlines included in G.S. 74-51(b).

History Note: Authority G.S. 74-51; 74-63;

Eff. XXXX X, 2025.

1 15A NCAC 05F .0101 IS PROPOSED FOR READOPTION WITHOUT SUBSTANTIVE CHANGES AS
2 FOLLOWS:

3
4 **15A NCAC 05F .0101 PURPOSE AND SCOPE**

5 These rules set forth the procedures and standards to be followed by the ~~director~~ Director in assessing civil penalties.
6 ~~Penalties and by the Mining and Energy Commission in hearing appeals from the assessment of such penalties.~~

7
8 *History Note: Authority G.S. 74-61; ~~74-62~~; 74-63; 74-64; 143B-10;*
9 *Eff. May 1, 1982;*
10 *Amended Eff. August 1, 2012 (see S.L. 2012-143, s.1.(d)); November 1, 1984;*
11 *Readopted Eff. XXXX, 2025.*
12

1 15A NCAC 05F .0103 IS PROPOSED FOR READOPTION WITHOUT SUBSTANTIVE CHANGES AS
2 FOLLOWS:

3
4 **15A NCAC 05F .0103 WHO MAY ASSESS**

5 Civil penalties may be assessed by the ~~director~~. Director.

6
7 *History Note: Authority G.S. 74-61; ~~74-62~~; 74-63; 74-64; 143B-10;*
8 *Eff. May 1, 1982;*
9 *Readopted Eff. XXXX, 2025.*
10

1 15A NCAC 05F .0105 IS PROPOSED FOR READOPTION WITHOUT SUBSTANTIVE CHANGES AS
2 FOLLOWS:

3
4 **15A NCAC 05F .0105 CIVIL PENALTY FOR MINING WITHOUT A PERMIT**

5 (a) Prior to the assessment of any civil penalty for mining without a permit, the alleged violator shall be given notice
6 by registered or certified mail, return receipt requested. ~~requested, signed by the Regional engineer in the region in~~
7 ~~which the violation occurred.~~ The notice shall describe the ~~violation with reasonable particularity,~~ violation, order the
8 violator ~~immediately~~ to cease mining until a valid operating permit has been obtained, and specify a time period
9 ~~reasonably~~ calculated to permit the restoration of any disturbed area. ~~area as deemed necessary by the regional~~
10 ~~engineer.~~ The notice shall also state that a civil penalty may be assessed for any violation.

11 (b) In determining whether to assess a civil penalty for any violation committed prior or subsequent to receipt of the
12 notice of violation, the ~~director~~ Director shall consider whether the violator ceased mining, restored the affected area,
13 or otherwise complied with the requirements of the notice of violation. ~~Violation and shall also consider the various~~
14 ~~criteria in Rule 5F .0007.~~ The civil penalty assessment shall specify ~~with reasonable particularity~~ the violation(s) for
15 which the penalty has been assessed and shall be transmitted to the violator by certified or registered mail, return
16 receipt requested.

17 *History Note: Authority G.S. 74-60; 74--61; 74--63; 74--64; 143--B-10;*

18 *Eff. May 1, 1982;*

19 *Amended Eff. December 1, 1988; November 1, 1984;*

20 *Readopted Eff. XXXX, 2025.*

1 15A NCAC 05F .0106 IS PROPOSED FOR READOPTION WITHOUT SUBSTANTIVE CHANGES AS
2 FOLLOWS:

3
4 **15A NCAC 05F .0106 CIVIL PENALTY FOR VIOLATING OPERATING PERMIT**

5 ~~(a) Prior to the assessment of a civil penalty against a permitted operator for violating any provisions of the Mining~~
6 ~~Act of 1971, or any rules promulgated thereunder, or any conditions of his mining permit, the alleged violator or his~~
7 ~~agent shall be given notice by registered or certified mail, return receipt requested, signed by the director. The notice~~
8 ~~shall describe the violation with reasonable particularity and specify a time period reasonably calculated to permit the~~
9 ~~violator to correct the violation. The notice shall also state that civil penalties may be assessed against the alleged~~
10 ~~violator if he fails to correct the violation within the specified time.~~

11 ~~(b)~~ If the violator does not comply with the requirements of the notice of violation within the time period specified in
12 the notice, the ~~director~~ Director may assess a civil penalty for any violation(s) committed after the date of receipt of
13 the notice of violation. The civil penalty assessment shall specify ~~with reasonable particularity~~ the violation(s) for
14 which the penalty has been assessed and shall be transmitted to the violator by certified or registered mail, return
15 receipt requested.

16
17 *History Note: Authority G.S. 74-60; 74-61; ~~74-62~~; 74-63; 74-64; 143B-10;*

18 *Eff. May 1, 1982;*

19 *Amended Eff. November 1, 1984;*

20 *Readopted Eff. XXXX, 2025.*

1 15A NCAC 05F .0111 IS PROPOSED FOR REPEAL THROUGH READoption AS FOLLOWS:

2
3 **15A NCAC 05F .0111 REFERRAL TO ATTORNEY GENERAL**

4 ~~(a) If the person against whom a civil penalty is assessed, fails to respond within 60 days as provided in Rule .0008,~~
5 ~~the director shall refer the matter to the Attorney General to recover the amount of the civil penalty.~~

6 ~~(b) If payment of any civil penalty assessed pursuant to the rules of this Subchapter is not received by the director~~
7 ~~within 30 days following denial of any appeal pursuant to G.S. 74-61 and G. S. 74-62 the director shall refer the matter~~
8 ~~to the Attorney General to recover the amount of the civil penalty.~~

9
10 *History Note: Authority G.S. 74-61; 74-62 74-63; 74-64; 143B-10;*

11 *Eff. May 1, 1982;*

12 *Repealed Eff. XXXX, 2025.*

1 15A NCAC 05F .0112 IS PROPOSED FOR REPEAL THROUGH READoption AS FOLLOWS:

2
3 **15A NCAC 05F .0112 FURTHER REMEDIES**

4 ~~No provision of this Subchapter shall be construed to restrict or impair the right of the director or the Mining and~~
5 ~~Energy to pursue any other remedy provided by law for violations of the Mining Act of 1971 or the rules of this~~
6 ~~Chapter.~~

7
8 *History Note:* Authority G.S. 74-61; 74-62; 74-63; 74-64; 143B-10;
9 Eff. May 1, 1982;
10 Amended Eff. August 1, 2012 (see S.L. 2012-143, s.1. (d));
11 Repealed Eff. XXXX, 2025.
12

15A NCAC 05G .0103 IS PROPOSED FOR READOPTION WITHOUT SUBSTANTIVE CHANGES AS FOLLOWS:

15A NCAC 05G .0103 PROCEDURES FOR OBTAINING PERMITS

The application for and issuance of exploration permits is governed by the procedures in this Subchapter.

History Note: Authority G.S. 74-77 through 74-89;

Eff. December 1, 1983;

Readopted XXXX, 2025.

1 15A NCAC 05G .0104 IS PROPOSED FOR READOPTION WITHOUT SUBSTANTIVE CHANGES AS
2 FOLLOWS:

3
4 **15A NCAC 05G .0104 ABANDONMENT PLAN: BONDING REQUIREMENTS**

5 (a) After reviewing an application, the ~~department~~ Department shall determine whether it should be approved and
6 notify the applicant of its determination. No application shall be approved unless it contains an abandonment plan
7 acceptable to the ~~department~~ Department. If the application is approved, the ~~department~~ Department ~~shall will~~
8 determine the amount of the performance bond that ~~is will be~~ required and issue to the applicant a bond form to be
9 used in securing the bond. A person shall not engage in exploration activity for the discovery of uranium until a bond
10 in the required amount has been filed with the ~~department~~ Department and an exploration permit has been issued.

11 (b) The required amount of the bond shall ~~that will be required is to be~~ determined as follows:

12 (1) The applicant shall provide the ~~department~~ Department with an estimate of the total length of the
13 vehicular access roads ~~that which will~~ involve the cutting of vegetation and/or grading and of the
14 number of exploratory drill holes and test pits;

15 (2) The minimum amount of any bond shall be five thousand dollars (\$5,000.00). In addition to the
16 minimum bond amount of five thousand dollars (\$5,000.00), an additional bond amount shall be
17 required at the rate of two dollars (\$2.00) per each linear foot of vehicular access road and of two
18 hundred dollars (\$200.00) per each exploratory drill hole or test pit; and

19 (3) If the ~~department~~ Department determines that the amount of the bond required under Subparagraph
20 (b)(2) of this Rule is ~~either excessive or inadequate to complete the required abandonment, due to~~
21 ~~specific site conditions,~~ the ~~department~~ Department may negotiate a different bond amount that shall
22 will assure adequate abandonment in the event of bond forfeiture.

23 (c) A permittee shall be in violation of its permit if the length of the vehicular access roads or the number of
24 exploratory drill holes or test pits exceeds the length or number authorized by the amount of its bond.

25
26 *History Note: Authority G.S. 74-78; 74-79; 74-86;*
27 *Eff. December 1, 1983;*
28 *Readopted Eff. XXXX, 2025.*
29

1 15A NCAC 05G .0105 IS PROPOSED FOR READOPTION WITHOUT SUBSTANTIVE CHANGES AS
2 FOLLOWS:

3
4 **15A NCAC 05G .0105 DRILLING: CASING: TESTING AND ABANDONMENT**

5 The methods and procedures utilized in drilling, casing, testing and abandonment shall be in accordance with the
6 requirements of ~~Title 15A NCAC Subchapter 2C, of 15A NCAC 02C~~ Section .0100, Criteria and Standards Applicable
7 to Water Supply and Certain Other Type Wells, and is hereby incorporated by reference, including subsequent
8 amendments.

9
10 *History Note: Authority G.S. 74-78; 74--86; 143B---290;*

11 *Eff. December 1, 1983;*

12 *Readopted XXXX, 2025.*