

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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HOUSE BILL 1008\*  
Committee Substitute Favorable 4/21/99

Short Title: Sedimentation Act Reg. Some Excavation.

(Public)

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Sponsors:

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Referred to:

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April 13, 1999

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE FOR THE REGULATION OF CERTAIN EXCAVATION  
3 AND GRADING ACTIVITIES UNDER THE SEDIMENTATION POLLUTION  
4 CONTROL ACT OF 1973 INSTEAD OF THE MINING ACT OF 1971.

5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 74-49(7) reads as rewritten:

7 "(7) 'Mining' means:

- 8 a. The breaking of the surface soil in order to facilitate or  
9 accomplish the extraction or removal of minerals, ores, or other  
10 solid matter.  
11 b. Any activity or process constituting all or part of a process for  
12 the extraction or removal of minerals, ores, soils, and other solid  
13 matter from their original location.  
14 c. The preparation, washing, cleaning, or other treatment of  
15 minerals, ores, or other solid matter so as to make them suitable  
16 for commercial, industrial, or construction use.

17 'Mining' does not include:

- 18 a. Those aspects of deep mining not having significant effect on the  
19 surface, where the affected land does not exceed one acre in area.

- 1                   b.     Mining operations where the affected land does not exceed one  
2                   acre in area.
- 3                   c.     Plants engaged in processing minerals produced elsewhere and  
4                   whose refuse does not affect more than one acre of land.
- 5                   d.     Excavation or grading when conducted solely in aid of on-site  
6                   farming or of on-site construction for purposes other than  
7                   mining.
- 8                   e.     Removal of overburden and mining of limited amounts of any  
9                   ores or mineral solids when done only for the purpose and to the  
10                  extent necessary to determine the location, quantity, or quality of  
11                  any natural deposit, provided that no ores or mineral solids  
12                  removed during exploratory excavation or mining are sold,  
13                  processed for sale, or consumed in the regular operation of a  
14                  business, and provided further that the affected land resulting  
15                  from any exploratory excavation does not exceed one acre in  
16                  area.
- 17                  f.     Excavation or grading where all of the following apply:
- 18                    1.     The excavation or grading is conducted to provide soil or  
19                    other unconsolidated material to be used without further  
20                    processing for a single off-site construction project for  
21                    which an erosion control plan has been approved in  
22                    accordance with Article 4 of Chapter 113A of the General  
23                    Statutes.
- 24                    2.     The affected land, including nonpublic access roads, does  
25                    not exceed five acres.
- 26                    3.     The excavation or grading is completed within one year.
- 27                    4.     The excavation or grading does not involve blasting, the  
28                    removal of material from rivers or streams, the disposal of  
29                    off-site waste on the affected land, or the surface disposal  
30                    of groundwater beyond the affected land.
- 31                    5.     The excavation or grading is not in violation of any local  
32                    ordinance.
- 33                    6.     An erosion control plan for the excavation or grading has  
34                    been approved in accordance with Article 4 of Chapter  
35                    113A of the General Statutes."

36                   Section 2. This act becomes effective October 1, 1999.