

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 1579

Short Title: Monitor Air Quality for Blasting Complaints. (Public)

Sponsors: Representatives Starnes; Glazier and Harrison.

Referred to: Environment and Natural Resources.

April 18, 2007

A BILL TO BE ENTITLED

1 AN ACT TO REQUIRE THE DEPARTMENT OF ENVIRONMENT AND
2 NATURAL RESOURCES TO MONITOR AIR QUALITY WHEN AN OWNER
3 OR OCCUPANT OF A NEIGHBORING PROPERTY FILES A WRITTEN
4 COMPLAINT WITH THE DEPARTMENT ALLEGING THAT THE FUGITIVE
5 NONPROCESS DUST EMISSIONS FROM BLASTING RELATED TO
6 ACTIVITY AT A MINING OPERATION CONSTITUTE A DIRECT PHYSICAL
7 HAZARD TO THE HEALTH OF THE OCCUPANTS OF THE NEIGHBORING
8 PROPERTY AND, IF THE MONITORING INDICATES THE PRESENCE OF A
9 DIRECT PHYSICAL HAZARD, TO REQUIRE THE DEPARTMENT TO
10 MODIFY THE OPERATOR'S PERMIT TO SAFEGUARD THE NEIGHBORING
11 PROPERTY FROM THE HAZARD.
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13 The General Assembly of North Carolina enacts:

14 **SECTION 1.** G.S. 74-57 reads as rewritten:

15 "**§ 74-57. Departmental modification of permit or reclamation ~~plan~~plan; air**
16 **quality monitoring.**

17 (a) If at any time it appears to the Department from its inspection of the affected
18 land or monitoring under subsection (b) of this section that the activities under the
19 reclamation plan and other terms and conditions of the permit are failing to achieve the
20 purposes and requirements of this Article, it shall give the operator written notice of that
21 fact, of its intention to modify the reclamation plan and other terms and conditions of
22 the permit in a stated manner, and of the operator's right to a hearing on the proposed
23 modification at a stated time and place. The date for such hearing shall be not less than
24 30 nor more than 60 days after the date of the notice unless the Department and the
25 operator shall mutually agree on another date. Following the hearing the Department
26 shall have the right to modify the reclamation plan and other terms and conditions of the
27 permit in the manner stated in the notice or in such other manner as it deems appropriate
28 in view of the evidence submitted at the hearing.

1 (b) When an owner or occupant of a neighboring dwelling house, school, church,
2 hospital, commercial or industrial building, or other public property files a written
3 complaint with the Department alleging that the fugitive nonprocess dust emissions
4 from blasting related to activity at a mining operation constitute a direct physical hazard
5 to the health of the occupants of the neighboring property, the Department shall provide,
6 at the expense of the operator, air quality monitoring to determine the air quality at the
7 neighboring property within two days before blasting, within four hours following
8 blasting, and again within two days following blasting at the mining operation. The
9 Department shall provide a report of the air quality monitoring under this subsection to
10 the owner and occupant of the neighboring property who filed the complaint, to the
11 operator of the mining operation, and to any person who requests the report. If the air
12 quality monitoring indicates that the blasting results in fugitive nonprocess dust
13 emissions that have the potential over time of constituting a direct physical hazard to the
14 health of the occupants of the neighboring property, the Department may issue a
15 stopwork order as to such blasting and shall modify the terms or conditions of the
16 operator's permit so as to safeguard the neighboring property from the hazard posed by
17 the fugitive emissions."

18 **SECTION 2.** G.S. 74-49 is amended by adding a new subdivision to read:

19 "(4a) 'Fugitive nonprocess dust emissions' means the particulate matter that
20 is not collected by a system to capture such matter and is generated by
21 blasting in areas of the mining operation, including mining roads."

22 **SECTION 3.** This act becomes effective July 1, 2007.