

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 777

Short Title: Sedimentation Act Reg. Some Excavation.

(Public)

Sponsors: Senator Albertson.

Referred to: Agriculture/Environment/Natural Resources.

April 7, 1999

A BILL TO BE ENTITLED

**AN ACT TO PROVIDE FOR THE REGULATION OF CERTAIN EXCAVATION
AND GRADING ACTIVITIES UNDER THE SEDIMENTATION POLLUTION
CONTROL ACT OF 1973 INSTEAD OF THE MINING ACT OF 1971.**

The General Assembly of North Carolina enacts:

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

"(7) 'Mining' means:

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

'Mining' does not include:

- a. Those aspects of deep mining not having significant effect on the 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 construction project for which an
21 erosion control plan has been approved in accordance with
22 Article 4 of Chapter 113A of the General Statutes.
- 23 2. The affected land, including nonpublic access roads, does
24 not exceed five acres.
- 25 3. The excavation or grading is completed within one year.
- 26 4. The excavation or grading does not involve blasting, the
27 removal of material from rivers or streams, the disposal of
28 off-site waste on the affected land, or the surface disposal
29 of groundwater beyond the affected land.
- 30 5. The excavation or grading is not in violation of any local
31 ordinance.
- 32 6. An erosion control plan for the excavation or grading has
33 been approved in accordance with Article 4 of Chapter
34 113A of the General Statutes."

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