

CHAPTER 05 - MINING: MINERAL RESOURCES

This Chapter, 15A NCAC 05, MINING: MINERAL RESOURCES; was transferred and recodified from 15 NCAC 05 effective November 1, 1989. The recodification was pursuant to G.S. 143B-279.1.

SUBCHAPTER 05A - ORGANIZATION AND ADMINISTRATION

SECTION .0100 - MINING AND ENERGY COMMISSION

15A NCAC 05A .0101 NAME AND ADDRESS

The name of this agency shall be the North Carolina Mining and Energy Commission. Its address is Department of Environment, Health, and Natural Resources, P.O. Box 27687, Raleigh, North Carolina 27611.

History Note: Authority G.S. 143B-290;
Eff. February 1, 1976;
Amended Eff. January 31, 1979;
Readopted Eff. August 1, 1982;
Amended Eff. August 1, 2012 (see S.L. 2012-143, s.1.(d)); April 1, 1990.

15A NCAC 05A .0102 GENERAL PURPOSES

History Note: Authority G.S. 74-38; 74-61; 74-84; 74-86; 143B-290;
Eff. February 1, 1976;
Readopted Eff. August 1, 1982;
Amended Eff. November 1, 1984; December 1, 1983;
Repealed Eff. August 1, 1988.

15A NCAC 05A .0103 STRUCTURE

History Note: Authority G.S. 143B-291;
Eff. February 1, 1976;
Readopted Eff. August 1, 1982;
Repealed Eff. November 1, 1984.

SECTION .0200 - ADMINISTRATION

15A NCAC 05A .0201 DEPARTMENT OF NATURAL RESOURCES AND COMMUNITY DEVELOPMENT

History Note: Authority G.S. 74-50 through 74-60; 74-64; 74-68; 74-77 through 74-85; 74-87;
Eff. February 1, 1976;
Readopted Eff. August 1, 1982;
Amended Eff. December 1, 1983;
Repealed Eff. November 1, 1984.

15A NCAC 05A .0202 DELEGATION

(a) The Director, Division of Energy, Mineral, and Land Resources, Department of Environment, Health, and Natural Resources, shall have the following powers and duties with regard to the administration of the Mining Act of 1971:

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

(b) The Director, Division of Energy, Mineral, and Land Resources, Department of Environment, Health, and Natural Resources, shall have the following powers and duties with regard to the administration of the Control of Exploration for Uranium in North Carolina Act of 1983:

- (1) the issuance, denial, modification, renewal, suspension and revocation of permits;
- (2) the initiation and approval of the abandonment of affected land;
- (3) the inspection and approval of the abandonment of affected land;
- (4) the giving of notices, setting of hearings, and taking of action upon findings of violations; and
- (5) the institution of all criminal and civil actions.

History Note: Authority G.S. 74-50 through 74-53; 74-56 to 74-59; 74-77 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.