

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

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

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

*History Note: Authority G.S. 74-60; 74-61; 74-63; 74-64; 143B-10;
Eff. May 1, 1982;
Amended Eff. December 1, 1988; November 1, 1984.*