

15A NCAC 05F .0106 CIVIL PENALTY FOR VIOLATING OPERATING PERMIT

(a) Prior to the assessment of a civil penalty against a permitted operator for violating any provisions of the Mining Act of 1971, or any rules promulgated thereunder, or any conditions of his mining permit, the alleged violator or his agent shall be given notice by registered or certified mail, return receipt requested, signed by the director. The notice shall describe the violation with reasonable particularity and specify a time period reasonably calculated to permit the violator to correct the violation. The notice shall also state that civil penalties may be assessed against the alleged violator if he fails to correct the violation within the specified time.

(b) If the violator does not comply with the requirements of the notice of violation within the time period specified in the notice, the director may assess a civil penalty for any violation(s) committed after the date of receipt of the notice of violation. 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; 74-62; 74-63; 74-64; 143B-10;
Eff. May 1, 1982;
Amended Eff. November 1, 1984.*