



CHAPTER 74
ARTICLE 7 - THE MINING ACT OF 1971

N.C.G.S. § 74-52.

Permit modifications.

SOURCE	LAST AMENDMENT IN THIS TEXT	RETRIEVED	SOURCE FINGERPRINT
General Statutes of North Carolina, as published by the General Assembly	S.L. 2024-53, s. 4C.10 — fourth act in the lineage	21 September 2026, 01:15 UTC	1c44e8e002030e6f2e6a93f1 - 813d92f2abf3a6003088f613 - 2c2b1a08a4aa92a0

- § 74-52(a)

Any operator engaged in mining under an operating permit may apply at any time for modification of the permit. The application shall be in writing upon forms furnished by the Department and shall fully state the information called for. The applicant must provide the Department with any additional information necessary to satisfy application requirements. In addition, the applicant may be required to furnish any other information as may be deemed necessary by the Department in order adequately to enforce the Article.
- § 74-52(b)

Repealed by Session Laws 2017-209, s. 13(c), effective October 4, 2017.
- § 74-52(c)

A modification under this section may affect the land area covered by the permit, the approved reclamation plan coupled with the permit, or other terms and conditions of the permit. A permit may be modified to include land neighboring the affected land, but not other lands. The reclamation plan may be modified in any manner, so long as the Department determines that the modified plan fully meets the standards set forth in G.S. 74-53 and that the modifications would be generally consistent with the bases for issuance of the original permit. Other terms and conditions may be modified only where the Department determines that the permit as modified would meet all requirements of G.S. 74-50 and [G.S.] 74-51.
- § 74-52(d)

No modification of a permit shall become effective until any required changes have been made in the performance bond or other security posted under the provisions of G.S. 74-54, so as to assure the performance of obligations assumed by the operator under the permit and reclamation plan.

§ 74-52(e)

Notwithstanding any restrictions on the collection or storage of solid waste that may be applicable pursuant to Article 9 of Chapter 130A of the General Statutes, the Department, upon agreement of a permittee, may, without need of a permit modification under this section, authorize the permittee to temporarily store storm-related debris at a mine when a state of emergency, as defined in G.S. 166A-19.3, has been declared by the Governor due to a natural disaster such as a hurricane, tornado, or flood, or due to a pending disaster, for a period not to exceed one year from the end of the state of emergency. For purposes of this subsection, the following definitions apply:

- (1) The definitions set out in G.S. 130A-290.
- (2) Storm-related debris. - Construction and demolition debris and yard trash that originates from designated counties in an emergency area, as defined in G.S. 166A-19.3(7).

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I
4 ACTS

Amendment lineage

The State prints this history as a single parenthetical at the foot of the section. It is reproduced verbatim in the colophon and unpacked below in order of enactment.

197119982024

TICK HEIGHT = ACTS IN THAT YEAR DASHED = RECODIFICATION, NOT AMENDMENT

Nº	YEAR	ACT	CHARACTER
01	1971	c. 545, s. 7	ENACTED
02	1971	1993 (Reg. Sess., 1994), c. 568, s. 4	AMENDED
03	2017	S.L. 2017-209, s. 13(c)	AMENDED
04	2024	S.L. 2024-53, s. 4C.10	AMENDED

APPARATUS II
6 AUTHORITIES

Authorities referenced

Every G.S. cross-reference appearing in the text of this section, in order of first appearance. Nothing is characterized; the operative language is quoted from the section itself.

REFERENCE	APPEARS IN	OPERATIVE LANGUAGE IN THIS SECTION
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G.S. 74-53	(c)	<i>"meets the standards set forth in"</i>
G.S. 74-50	(c)	<i>"modified would meet all requirements of"</i>
G.S. 74-54	(d)	<i>"security posted under the provisions of"</i>
G.S. 166A-19.3	(e)	<i>"state of emergency, as defined in"</i>
G.S. 130A-290	(e)(1)	<i>"The definitions set out in"</i>
G.S. 166A-19.3(7)	(e)(2)	<i>"an emergency area, as defined in"</i>

APPARATUS III

Citation

FULL SECTION
N.C. Gen. Stat. § 74-52 (2024).

PINPOINT
N.C. Gen. Stat. § 74-52(a) (2024).

Pinpoint keys are set in the left margin of the text rather than line numbers: subsection designators are stable across editions and paper sizes, line numbers are not.

COLOPHON

Provenance

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HISTORY PARENTHETICAL, AS PRINTED BY THE STATE
(1971, c. 545, s. 7; 1993 (Reg. Sess., 1994), c. 568, s. 4; 2017-209, s. 13(c); 2024-53, s. 4C.10.)

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