



CHAPTER 74
ARTICLE 7 - THE MINING ACT OF 1971

N.C.G.S. § 74-58.

Suspension or revocation of permit.

SOURCE General Statutes of North Carolina, as published by the General Assembly	LAST AMENDMENT IN THIS TEXT S.L. 2017-209, s. 13(g) — seventh act in the lineage	RETRIEVED 21 September 2026, 03:34 UTC	SOURCE FINGERPRINT 201cab2220d62a0ce66ee763 - c976f6c00d09d6504f28802b - 427b8d16d20589dc
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§ 74-58(a) Whenever the Department shall have reason to believe that a violation of (i) this Article, (ii) any rules adopted under this Article, or (iii) the terms and conditions of a permit, including the approved reclamation plan, has taken place, it shall serve written notice of the apparent violation upon the operator, specifying the facts constituting the apparent violation and informing the operator of the operator's right to an informal conference with the Department. The date for an informal conference shall be not less than 15 nor more than 30 days after the date of the notice, unless the Department and the operator mutually agree on another date. If the operator or the operator's representative does not appear at the informal conference, or if the Department following the informal conference finds that there has been a violation, the Department may suspend the permit until the violation is corrected or may revoke the permit where the violation appears to be willful, or where the permittee has failed to pay the fee or late payment penalties required by G.S. 74-55(b).

§ 74-58(b) The effective date of any suspension or revocation shall be 30 days following the date of the decision. The filing of a petition for a contested case under G.S. 74-61 shall stay the effective date until issuance of a final decision. If the Department finds at the time of its initial decision that any delay in correcting a violation would result in imminent peril to life or danger to property or to the environment, it shall promptly initiate a proceeding for injunctive relief under G.S. 74-64 hereof and Rule 65 of the Rules of Civil Procedure. The pendency of any appeal from a suspension or revocation of a permit shall have no effect upon an action for injunctive relief.

§ 74-58(c)

Any operator whose permit has been suspended or revoked shall be denied a new permit or reinstatement of the suspended permit to engage in mining until the operator gives evidence satisfactory to the Department of the operator's ability and intent to fully comply with the provisions of this Article and rules adopted under this Article, and the terms and conditions of the permit, including the approved reclamation plan, and that the operator has satisfactorily corrected all previous violations.

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I
7 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.

1971	1994		2017
TICK HEIGHT = ACTS IN THAT YEAR DASHED = RECODIFICATION, NOT AMENDMENT			
Nº	YEAR	ACT	CHARACTER
01	1971	c. 545, s. 13	ENACTED
02	1973	c. 1262, s. 33	AMENDED
03	1979	c. 252, s. 1	AMENDED
04	1987	c. 827, s. 82A	AMENDED
05	1987	1993 (Reg. Sess., 1994), c. 568, s. 8	AMENDED
06	2011	S.L. 2011-398, s. 29	AMENDED
07	2017	S.L. 2017-209, s. 13(g)	AMENDED

APPARATUS II

3 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
G.S. 74-55(b)	(a)	"or late payment penalties required by"
G.S. 74-61	(b)	"petition for a contested case under"
G.S. 74-64	(b)	"a proceeding for injunctive relief under"

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 74-58 (2017).

PINPOINT

N.C. Gen. Stat. § 74-58(a) (2017).

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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This is not the official text. The official text is published by the General Assembly of North Carolina.

HISTORY PARENTHETICAL, AS PRINTED BY THE STATE

(1971, c. 545, s. 13; 1973, c. 1262, s. 33; 1979, c. 252, s. 1; 1987, c. 827, s. 82A; 1993 (Reg. Sess., 1994), c. 568, s. 8; 2011-398, s. 29; 2017-209, s. 13(g).)

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