

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE DRH60247-LD-156A (03/21)

Short Title: Monitor Air Quality for Blasting Complaints.

(Public)

Sponsors: Representative Starnes.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THE DEPARTMENT OF ENVIRONMENT AND
NATURAL RESOURCES TO MONITOR AIR QUALITY WHEN AN OWNER
OR OCCUPANT OF A NEIGHBORING PROPERTY FILES A WRITTEN
COMPLAINT WITH THE DEPARTMENT ALLEGING THAT THE FUGITIVE
NONPROCESS DUST EMISSIONS FROM BLASTING RELATED TO
ACTIVITY AT A MINING OPERATION CONSTITUTE A DIRECT PHYSICAL
HAZARD TO THE HEALTH OF THE OCCUPANTS OF THE NEIGHBORING
PROPERTY AND, IF THE MONITORING INDICATES THE PRESENCE OF A
DIRECT PHYSICAL HAZARD, TO REQUIRE THE DEPARTMENT TO
MODIFY THE OPERATOR'S PERMIT TO SAFEGUARD THE NEIGHBORING
PROPERTY FROM THE HAZARD.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 74-57 reads as rewritten:

"§ 74-57. Departmental modification of permit or reclamation ~~plan~~plan; air quality monitoring.

(a) If at any time it appears to the Department from its inspection of the affected land or monitoring under subsection (b) of this section that the activities under the reclamation plan and other terms and conditions of the permit are failing to achieve the purposes and requirements of this Article, it shall give the operator written notice of that fact, of its intention to modify the reclamation plan and other terms and conditions of the permit in a stated manner, and of the operator's right to a hearing on the proposed modification at a stated time and place. The date for such hearing shall be not less than 30 nor more than 60 days after the date of the notice unless the Department and the operator shall mutually agree on another date. Following the hearing the Department shall have the right to modify the reclamation plan and other terms and conditions of the

1 permit in the manner stated in the notice or in such other manner as it deems appropriate
2 in view of the evidence submitted at the hearing.

3 (b) When an owner or occupant of a neighboring dwelling house, school, church,
4 hospital, commercial or industrial building, or other public property files a written
5 complaint with the Department alleging that the fugitive nonprocess dust emissions
6 from blasting related to activity at a mining operation constitute a direct physical hazard
7 to the health of the occupants of the neighboring property, the Department shall provide,
8 at the expense of the operator, air quality monitoring to determine the air quality at the
9 neighboring property within two days before blasting, within four hours following
10 blasting, and again within two days following blasting at the mining operation. The
11 Department shall provide a report of the air quality monitoring under this subsection to
12 the owner and occupant of the neighboring property who filed the complaint, to the
13 operator of the mining operation, and to any person who requests the report. If the air
14 quality monitoring indicates that the blasting results in fugitive nonprocess dust
15 emissions that have the potential over time of constituting a direct physical hazard to the
16 health of the occupants of the neighboring property, the Department may issue a
17 stopwork order as to such blasting and shall modify the terms or conditions of the
18 operator's permit so as to safeguard the neighboring property from the hazard posed by
19 the fugitive emissions."

20 **SECTION 2.** G.S. 74-49 is amended by adding a new subdivision to read:

21 "(4a) 'Fugitive nonprocess dust emissions' means the particulate matter that
22 is not collected by a system to capture such matter and is generated by
23 blasting in areas of the mining operation, including mining roads."

24 **SECTION 3.** This act becomes effective July 1, 2007.