

Public Notice

Notice is hereby given of a public hearing by the North Carolina Department of Environment and Natural Resources concerning Harrison Construction, Division of APAC Atlantic, Inc.'s application for a modification to their existing crushed stone quarry mining permit No, 22-06 (Hayesville Quarry), located off McDonald Road, SR 1115 in Clay County.

Authority:

N.C.G.S. 74-51 and N.C.A.C. Title 15, Chapter 5, Subchapter 5B, Section .0011.

Place, Time, Date:

Clay County Senior Center Building
196 Ritter Road
Hayesville, NC 28904

7 PM

April 2, 2007

Purpose:

To receive public comment related to the application for a modification to a crushed stone mining operation located off McDonald Road, SR 1115 in Clay County.

Comments shall be limited to those that relate directly to the seven (7) denial criteria listed under G.S. 74-51 of The Mining Act of 1971 that the department considers in making its decision to grant or deny a new mining permit application or a modification to an existing permit. These criteria are as follows: The department may deny such a permit upon finding:

1. That any requirement of this article or any rule promulgated hereunder will be violated by the proposed operation;
2. That the operation will have unduly adverse effects on potable ground water supplies, wildlife, or fresh water, estuarine, or marine fisheries;
3. That the operation will violate standards of air quality, or ground water quality, which have been promulgated by the department.
4. That the operation will constitute a direct and substantial physical hazard to public health and safety or to a neighborhood dwelling house, school, church, hospital, commercial or industrial building, public road, or other public property, excluding matters relating to the use of a public road;
5. That the operation will have a significantly adverse effect on the purposes of a publicly-owned park, forest, or recreation area;

6. That previous experience with similar operations indicates a substantial possibility that the operation will result in substantial deposits of sediment in stream beds or lakes, landslides, or acid water pollution; or
7. That the applicant or any parent, subsidiary, or other affiliate of the applicant or parent has not been in compliance with this article, rules adopted under this article, or other laws or rules of this state for the protection of the environment or has not corrected all violations that the applicant or any parent, subsidiary, or other affiliate of the applicant or parent may have committed under this article or rules adopted under this article and that result in:
 - a. Revocation of the permit,
 - b. Forfeiture of part or all of the bond or other security,
 - c. Conviction of a misdemeanor under G.S. 74-64,
 - d. Any other court order issued under G.S. 74-64, or
 - e. Final assessment of a civil penalty under G.S. 74-64.

In the absence of any findings set out above, or if adverse effects are mitigated by the applicant as determined necessary by the department, a permit shall be granted.

Comment Procedure:

All persons interested in this matter are invited to attend. The hearing will be conducted in the following manner:

1. Explanation of the action for which the permit is required by the hearing officer.
2. Explanation of the permit procedures as set forth by The Mining Act of 1971 by the Division of Land Resources, Land Quality Section.
3. Public comment – Comments, statements, data, and other information may be submitted in writing prior to or during the hearing or may be presented orally at the hearing. Persons desiring to speak will indicate their intent at the time of registration at the hearing. So that all persons desiring to speak may do so, lengthy statements may be limited at the discretion of the hearing officer. Any oral presentation that exceeds three (3) minutes must be accompanied by three (3) written copies, which will be filed with the hearing officer at the beginning of the oral presentation.
4. Cross examination of persons presenting testimony will not be allowed; however the hearing officer may ask questions for clarification.
5. (Optional) The applicant may make a short presentation at the end of the hearing and may be available for individual/group discussion after the hearing is adjourned.
6. The proceedings will remain open for period of ten (10) days following the hearing for additional written arguments or statements.

Information:

A copy of the mining permit modification application and corresponding maps are on file with the Asheville Regional Office (828 296 4500) and the Raleigh Central Office (919 733 4574), Land Quality Section, for the public's information and review prior to the date of the public hearing. Additional information concerning this hearing may be obtained by writing or calling:

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Land Quality Section
Division of Land Resources
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