

Session 110 - (1993-1994)

H 3432 General Bill, By R.S. Corning and C.Y. Waites

A Bill to amend Section 48-20-50, Code of Laws of South Carolina, 1976, relating to the South Carolina Mining Act and certificates of exploration, so as to provide that an explorer engaging in exploration involving an affected area greater than two acres is required to obtain an operating permit in accordance with Sections 48-20-60 and 48-20-70, as well as Section 48-20-75 (Environmental Impact Statement), provide that, if the explorer does not receive notification of denial of the certificate within sixty, rather than fifteen, calendar days of the tendering of the application, the application is approved, provide that, if the certificate is denied, the explorer must be given an additional ten, rather than thirty, calendar days either to appeal or to modify its application for reconsideration, provide that public notice and public hearing requirements of Chapter 20 of Title 48 apply to an application for a certificate and the processing and granting of the certificate, delete provisions to the effect that the application for a certificate, as well as the certificate, if any, and any material submitted with the application, must be treated as confidential trade secrets and proprietary business information, and provide that the application, the certificate, if any, and any material submitted with the application are not exempt from disclosure and constitute part of the public record; to amend Sections 48-20-60 and 48-20-70, relating to operating permits under the Mining Act, so as to reference the requirement of an environmental impact statement, and provide that an operating permit must be denied upon finding that the the mining operation will constitute a substantial physical hazard to a private road or other private property; to amend the 1976 Code by adding Section 48-20-75 so as to require the submission of an environmental impact statement to the Department of Health and Environmental Control before an operating permit may be issued under the Mining Act; to amend Section 48-20-80, relating to modification of an operating permit, so as to reference the requirement for an environmental impact statement, and provide that an operating permit may be modified to include land neighboring the affected or permitted land and other lands; to amend the 1976 Code by adding Section 48-20-85 so as to require the submission of an environmental impact statement to the Department of Health and Environmental Control before an operating permit issued under the Mining Act may be modified; to amend the 1976 Code by adding Section 48-20-87 so as to provide that an appeal to the courts must be taken from any decision of the Department of Health and Environmental Control to approve or disapprove, or to modify or refuse to modify, an environmental impact statement under Sections 48-20-75 or 48-20-85, respectively, provide for who may appeal, and provide for where the appeal may be filed; and to amend the 1976 Code by adding Section 48-20-95 so as to exempt the proposed operator or the operator of any sandpit or rock quarry from the required environmental impact statements of Sections 48-70-75 and 48-20-85.

02/09/93 House Introduced and read first time HJ-12

02/09/93 House Referred to Committee on Agriculture, Natural Resources and Environmental Affairs HJ-13