JOSH STEIN
Governor
D. REID WILSON
Secretary
WILLIAM E. TOBY VINSON, JR
Director

NORTH CAROLINA
Environmental Quality

May 5, 2025

Jeffrey A. Newbern, Sr.
PO Box 67
Harbinger, NC 27941

RE: Green Acres Land Development Mine
Mining Permit No. 27-47
Currituck County
Pasquotank River Basin

Dear Mr. Newbern:

Your recent request to have the above referenced mining permit modified has been approved. The modification is to increase the affected acreage at this site to 35.20 acres as indicated on the map received March 10, 2025 and May 5, 2025 and additional information received on March 10, 2025. The modification includes the expansion of the excavation area and haul roads to the south, while decreasing the stockpiles and unexcavated buffers to construct additional vegetated erosion control berms along the perimeter of the expanded excavation pit. A copy of the modified permit is enclosed.

The conditions in the modified permit were based primarily upon the initial application. Modifications were made as indicated by the modification request and as required to ensure compliance with The Mining Act of 1971. The mine name and permit number shall remain the same as before the modification. I would like to draw your particular attention to the following conditions where minor additions or changes were made: Operating Conditions III.4.C, III.4.D, and III.4.E.

In addition, the reclamation bond has been calculated for this site using the information submitted in the application and on the mine maps received May 5, 2025. The bond amount for this site is $30,800.00. You currently have a $40,500.00 Irrevocable Standby Letter of Credit (ISLOC) on file for this site. As such, you may wish to reduce this ISLOC to the new required amount of $30,800.00.

The issuance of a mining permit and/or any modification to it does not supersede local zoning regulations. The responsibility of compliance with any applicable zoning regulations lies with you.

As a reminder, your permitted acreage at this site is 58.39 acres and the amount of land you are approved to disturb is 35.20 acres.

Please contact me at (919) 707-9207 if you have any questions.

Sincerely,

Adam Parr, PE
Deputy Director - DEMLR

AP/kbj
Enclosures: Mine Permit 27-47
cc: Samir Dumpor, PE, Washington Regional Office

DEPARTMENT OF ENVIRONMENTAL QUALITY

DIVISION OF ENERGY, MINERAL, AND LAND RESOURCES

LAND QUALITY SECTION

PERMIT

For the operation of a mining activity

In accordance with the provisions of N.C.G.S. §74-46 through 68, "The Mining Act of 1971," Mining Permit Rule 15A NCAC 05B, and other applicable laws, rules, and regulations

Permission is hereby granted to:

Jeffrey A. Newbern, Sr.

Green Acres Land Development Mine

Currituck County - Permit No. 27-47

for the operation of a

Sand Mine

Which shall provide that the usefulness, productivity and scenic values of all lands and waters affected by this mining operation will receive the greatest practical degree of protection and restoration.

In accordance with the application for this mining permit, which is hereby approved by the Department of Environmental Quality, hereinafter referred to as the Department, and in conformity with the approved Reclamation Plan attached to and incorporated as part of this permit, provisions must be made for the protection of the surrounding environment and for reclamation of the land and water affected by the permitted mining operation. This permit is expressly conditioned upon compliance with all the requirements of the approved Reclamation Plan. However, completed performance of the approved Reclamation Plan is a separable obligation, secured by the bond or other security on file with the Department, and may survive the revocation or suspension of this permit.

This permit is not transferable by the permittee with the following exception: If another operator succeeds to the interest of the permittee in the permitted mining operation, by virtue of a sale, lease, assignment or otherwise, the Department may release the permittee from the duties imposed upon him by the conditions of his permit and by the Mining Act with reference to the permitted operation, and transfer the permit to the successor operator, provided that both operators have complied with the requirements of the Mining Act and that the successor operator agrees to assume the duties of the permittee with reference to reclamation of the affected land and posts a suitable bond or other security.

In the event that the Department determines that the permittee or permittee's successor is not complying with the Reclamation Plan or other terms and conditions of this permit or is failing to achieve the purposes and requirements of the Mining Act, the Department may give the operator written notice of its intent to modify, revoke or suspend the permit, or its intent to modify the Reclamation Plan as incorporated in the permit. The operator shall have right to a hearing at a designated time and place on any proposed modification, revocation, or suspension by the Department. Alternatively, and in addition to the above, the Department may institute other enforcement procedures authorized by law.

I. Definitions. N.C.G.S. §74-49.

Wherever used or referred to in this permit, unless the context clearly indicates otherwise, terms shall have the same meaning as supplied by the Mining Act, N.C.G.S. §74-49.

II. Issuance and Modifications. N.C.G.S. §74-52.

October 22, 2004: This permit has been modified to allow dewatering activities at the site as indicated on the revised Mining Map dated September 8, 2004.

May 30, 2006: This permit has been modified to increase the permitted area to 59.52 acres and the affected acreage at this site to 22.08 acres as indicated on the Mining Map dated September 8, 2004 and received by the Land Quality Section on September 21, 2005. The modification includes the addition of 0.75-acre for a drainage ditch and sediment pond.

March 21, 2013: This permit has been modified to increase the affected acreage at this site to 27.34 acres as indicated on the Mine Map last revised October 22, 2012. This modification includes expansion of the excavation area around the perimeter of the previously permitted excavation area by 30 feet in width, expansion of the excavation by approximately 0.28 acres in the northwest corner, use of an existing 1,700 foot long ditch located along the south and west side of the excavation for ground water rehydration during mine dewatering activities, installation of two ground water monitoring wells, and establishes a ground water monitoring plan into the renewed and modified permit.

December 1, 2017: This permit has been issued for the life of site or the duration of the lease term.

December 3, 2019: This permit has been modified to reduce the permitted acreage to 58.39 acres and increase the affected acreage at this site to 28.97 acres as indicated on the Mine Map dated October 29, 2019. The modification includes expansion of the excavation area on the east end of the existing pond and includes straightening the excavation edges of the existing pond on the north and northwest sides. In addition, dewater activities shall cease prior to excavation of the expansion area and the hydration ditch shall be removed and filled in.

May 5, 2025: This permit has been modified to increase the affected acreage at this site to 35.20 acres as indicated in the application, on the Mine Maps received March 10, 2025 and May 5, 2025, and the additional information received March 10, 2025. The modification includes expansion of the excavation area and haul roads to the south, while decreasing the stockpiles and unexcavated buffers to construct additional vegetated erosion control berms along the perimeter of the expanded excavation pit. The permitted area at this site is 58.39 acres and the area approved to disturb is 35.20 acres.

This permit is valid for the life of the site or life of lease, if applicable, as defined by Session Law 2017-209 and has no expiration date. However, all provisions of N.C.G.S. §74-51 and N.C.G.S. §74-52 still apply for new, transferred, and modified mining permits.

III. Operating Conditions. N.C.G.S. §74-51.

This Permit shall be subject to the provisions of the Mining Act, N.C.G.S. §74-46, et. seq., and to the following conditions and limitations:

1. Wastewater and Quarry Dewatering.

   A. Any wastewater processing or mine dewatering shall be in accordance with the permitting requirements and rules promulgated by the N.C. Environmental Management Commission.

   B. Any stormwater runoff from the affected areas at the site shall be in accordance with any applicable permit requirements and regulations promulgated by the Environmental Protection Agency and enforced by the N.C. Environmental Management Commission. It shall be the permittee's responsibility to contact the Stormwater Program to secure any necessary stormwater permits or other approval documents.

2. Air Quality and Dust Control.

   A. Any mining process producing air contamination emissions shall be subject to the permitting requirements and rules promulgated by the N.C. Environmental Management Commission and enforced by the Division of Air Quality.

   B. During mining operations, water trucks or other means that may be necessary shall be utilized to mitigate dust leaving the permitted area.

3. Buffer Zones.

   A. Sufficient buffer (minimum 50 foot undisturbed) shall be maintained between any affected land and any adjoining waterway or wetland to prevent sedimentation of that waterway or wetland from erosion of the affected land and to preserve the integrity of the natural watercourse or wetland.

B. Any mining activity affecting waters of the State, waters of the U. S., or wetlands shall be in accordance with the requirements and regulations promulgated and enforced by the N. C. Environmental Management Commission. This mining permit does not authorize impacts to any wetlands within the mining permit boundary unless and until the applicant secures the necessary authorizations in accordance with state and federal wetland regulations.

4. Erosion and Sediment Control.

A. Adequate mechanical barriers including but not limited to diversions, earthen dikes, sediment check dams, sediment retarding structures, rip rap pits, or ditches shall be provided in the initial stages of any land disturbance and maintained to prevent sediment from discharging onto adjacent surface areas or into any lake, wetland, or natural watercourse in proximity to the affected land.

B. All drainage from the affected areas around the mine excavations shall be diverted internal to said excavations or into the approved erosion and sediment control measures.

C. Dewatering activities shall be restricted to a depth of 20 feet below the natural surrounding ground surface elevation. Dewatering activities shall be limited to pumping to the pipe that discharges to the residential lake located south of the mine. No dewatering shall be permitted to the hydration ditch.

D. Stormwater, groundwater, and wastewater discharge shall occur as indicated in the Operation and Maintenance Plan – Sand Mine Dewatering and Water Level Control Structure Plan as approved as part of General Industrial Stormwater Permit No. NC020000 – Certificate of Coverage No. NCG020641.

E. Mining activities, including maintenance of the approved sediment and erosion control measures, shall occur as indicated in the application, on the Mine Maps received May 5, 2025, and the supplemental information received on March 10, 2025.

5. Groundwater Protection.

Groundwater monitoring wells shall be installed and monitored as deemed appropriate by the Department as follows:

A. Observation wells shall be installed and monitored as indicated on the Mine Map last revised October 22, 2012 and as outlined in the letter dated July 5, 2012, the supplemental information received by the Land Quality Section on July 10, 2012, and as provided in the renewal application received August 27, 2012 and supplemental information received October 24, 2012.

B. The observation wells shall be drilled wells screened at the base depth of the excavation (the ultimate depth of the mine). The wells shall be secured against unauthorized entry with a lockable cap. The necessary permits or approvals to construct these wells shall be obtained from the N.C. Division of Water Quality, Groundwater Section.

C. The observation wells shall be monitored quarterly at the same day and approximate time of day. The static water levels shall be measured with an accuracy of plus or minus 0.1 foot and shall be referenced to a datum point and a record of the water levels maintained. The quarterly precipitation and the volume of pit water discharge shall also be recorded. Yearly water samples shall be taken for qualitative analysis. Copies of these records shall be provided to the Department on or about the end of each month. Static water level monitoring frequency may be increased or decreased as deemed appropriate by the Department.

6. Permanently Marked Boundaries.

   A. All mining permit boundaries (58.39 acres) shall be permanently marked at the site on 100-foot intervals unless the line of sight allows for larger spacing intervals.

   B. Before and during site development, limits of disturbance, for any active disturbed areas, as indicated on the Mine Maps received May 5, 2025, shall be marked at the site on 100-foot intervals unless the line of sight allows for larger spacing intervals.

7. Graded Slopes and Fills.

   The angle for graded slopes and fills shall be no greater than the angle, which can be retained by vegetative cover or other adequate erosion control measure, structure, or device. In any event, exposed slopes or any excavated channels, the erosion of which may cause off-site damage because of sedimentation, shall be planted, or otherwise provided with ground cover, devices, or structures sufficient to restrain such erosion.

8. Surface Drainage.

   The affected land shall be graded so as to prevent collection of pools of water that are, or likely to become, noxious or foul. Necessary structures such as drainage ditches or conduits shall be constructed or installed when required to prevent such conditions.

9. Blasting

   No blasting activities shall occur at this site.

10. Visual Screening.

    A. Existing vegetation or vegetated earthen berms shall be maintained between the mine and public thoroughfares whenever practical to screen the operation from the public.

    B. Berms shall be constructed as indicated on the Mining Map received May 5, 2025.

11. Buffer Between Mining Permit Boundaries and/or Right-of-ways.

    A. Sufficient buffer (minimum 50 foot undisturbed) shall be maintained between any excavation and any mining permit boundary to protect adjacent property.

    B. Buffers shall be maintained as indicated on the Mine Map received May 5, 2025.

12. Refuse Disposal.

    A. No on-site disposal of refuse or other solid waste that is generated outside of the mining permit area shall be allowed within the boundaries of the mining permit area unless authorization to conduct said disposal has first been obtained from both the Division of Waste Management and the Division of Energy, Mineral and Land Resources, Department of Environmental Quality. The method of disposal shall be consistent with the approved reclamation plan.

    B. Mining refuse as defined by N.C.G.S. §74-49 (14) of The Mining Act of 1971 generated on-site and directly associated with the mining activity may be disposed of in a designated refuse area. All other waste products must be disposed of in a disposal facility approved by the Division of Waste Management. No petroleum products, acids, solvents or their storage containers or any other material that may be considered hazardous shall be disposed of within the permitted area.

C. For the purposes of this permit, the Division of Energy, Mineral and Land Resources considers the following materials to be "mining refuse" (in addition to those specifically listed under N.C.G.S. §74-49 (14) of the N.C. Mining Act of 1971):

i. on-site generated land clearing debris.

ii. conveyor belts.

iii. wire cables.

iv. v-belts.

v. steel reinforced air hoses.

vi. drill steel.

D. If mining refuse is to be permanently disposed within the mining permit boundary, the following information must be provided to and approved by the Division of Energy, Mineral and Land Resources prior to commencement of such disposal:

i. the approximate boundaries and size of the refuse disposal area.

ii. a list of refuse items to be disposed.

iii. verification that a minimum of 4 feet of cover will be provided over the refuse.

iv. verification that the refuse will be disposed at least 4 feet above the seasonally high-water table; and,

v. verification that a permanent vegetative groundcover will be established.

IV. Annual Reclamation Report and Annual Operating Fee. N.C.G.S. §74-55.

An Annual Reclamation Report and Annual Operating Fee of $400.00 shall be submitted to the Department by September 1 of each year until reclamation is completed and approved for release by the Department.

V. Prior Approval Required for Plan Modification. N.C.G.S. §74-52.

The operator shall notify the Department in writing of the desire to delete, modify or otherwise change any part of the mining, reclamation, or erosion/sediment control plan contained in the approved application for a mining permit or any approved revision to it. Approval to implement such changes must be obtained from the Department prior to on-site implementation of the revisions.

VI. Bonding. N.C.G.S. §74-54.

The security, which was posted pursuant to N.C.G.S. §74-54 in the form of a $40,500.00 Irrevocable Standby Letter of Credit (of which $30,800.00 is required for this site), is sufficient to cover the operation as indicated in the approved application. This security must remain in force for this permit to be valid. The total affected land shall not exceed the bonded acreage.

VII. Archaeological Resources. N.C.G.S. §70.

1. Minimum Requirements.

A. Authorized representatives of the Division of Archives and History shall be granted access to the site to determine the presence of significant archaeological resources.

B. Pursuant to N.C.G.S. §70, Article 3, "The Unmarked Human Burial and Human Skeletal Remains Protection Act," should the operator or any person in his employ encounter human skeletal remains, immediate notification shall be provided to the county medical examiner and the chief archaeologist, North Carolina Division of Archives and History.

VIII. Approved Reclamation Plan. N.C.G.S. §74-53.

The Mining Permit incorporates this Reclamation Plan, the performance of which is a condition on the continuing validity of that Mining Permit. Additionally, the Reclamation Plan is a separable obligation of the permittee, which continues beyond the terms of the Mining Permit.

To comply with N.C.G.S. §74-53 the approved plan will provide:

1. Minimum Standards.

   A. The final slopes in all excavations in soil, sand, gravel, and other unconsolidated materials shall be at such an angle as to minimize the possibility of slides and be consistent with the future use of the land.

   B. Provisions for safety to persons and to adjoining property must be provided in all excavations in rock.

   C. All overburden and spoil shall be left in a configuration which is in accordance with accepted conservation practices and which is suitable for the proposed subsequent use of the land.

   D. No small pools of water shall be allowed to collect or remain on the mined area that are, or are likely to become noxious, odious, or foul.

   E. The revegetation plan shall conform to accepted and recommended agronomic and reforestation practices as established by the North Carolina Agricultural Experiment Station and the North Carolina Forest Service.

   F. Permittee shall conduct reclamation activities pursuant to the Reclamation Plan herein incorporated. These activities shall be conducted according to the time schedule included in the plan, which shall to the extent feasible provide reclamation simultaneous with mining operations and in any event, provide reclamation at the earliest practicable time after completion or termination of mining on any segment of the permit area and shall be completed within two years after completion or termination of mining.

2. Reclamation Conditions.

   A. Provided further, and subject to the Reclamation schedule, the planned reclamation shall be to restore the mine excavation to a lake area and to grade and revegetate the adjacent disturbed areas.

   B. The specifications for surface gradient restoration to a surface suitable for the planned future use are as follows:

      i. The lake area shall be excavated to maintain a minimum water depth of four feet measured from the low water table elevation.

      ii. The side slopes to the lake excavation shall be graded to a 3 horizontal to 1 vertical or flatter to the water line and 2 horizontal to 1 vertical or flatter below the water line.

      iii. Any areas used for waste piles, screening, stockpiling, or other processing shall be leveled and smoothed.

iv. No contaminants shall be permanently disposed of at the mine site. On-site disposal of waste shall be in accordance with Operating Condition Nos. III.12.A through III.12.D.

v. The affected land shall be graded to prevent the collection of noxious or foul water.

3. Revegetation Plan.

After site preparation, all disturbed land areas shall be revegetated as per the Seeding schedule recommended by North Carolina Wildlife Resources Commission and included in the application received December 12, 2024.

Whenever possible, disturbed areas should be vegetated with native warm season grasses such as switch grass, Indian grass, bluestem, and gamma grass.

In addition, the permittee shall consult with a professional wildlife biologist with the N.C. Wildlife Resources Commission to enhance post-project wildlife habitat at the site.

4. Reclamation Plan.

Reclamation shall be conducted simultaneously with mining to the extent feasible. In any event, reclamation shall be initiated as soon as feasible after completion or termination of mining of any mine segment under permit. Final reclamation, including revegetation, shall be completed within two years of completion or termination of mining.

IX. Issuance and Modification Summary. N.C.G.S. §74-51 and §74-52.

This permit, issued July 5, 2002, modified October 22, 2004 and May 30, 2006, renewed and modified March 21, 2013, and modified December 1, 2017 and December 3, 2019, is hereby modified this 5th day of May, 2025 pursuant to N.C.G.S. §74-52.

By:_____

Adam Parr, PE, Deputy Director
Division of Energy, Mineral, and Land Resources
By Authority of the Secretary
Of the Department of Environmental Quality

NOTICE REGARDING THE RIGHT TO CONTEST A MINING PERMIT DECISION

Right of Persons Aggrieved to File a Contested Case for the Issuance of, or Modification to, a Mining Permit: Pursuant to NCGS 74-61 and NCGS 150B, Article 3, a party or person aggrieved may file a contested case by filing a petition under NCGS 150B-23 in the Office of Administrative Hearings within 30 days after the Division makes the decision and posts the decision on a publicly available website.

General Filing Instructions: A petition for contested case hearing must be in the form of a written petition, conforming to NCGS 150B-23, and filed with the Office of Administrative Hearings, 1711 New Hope Church Road, Raleigh NC, 27609, along with a fee in an amount provided in NCGS 150B-23.2. A petition for contested case hearing form may be obtained upon request from the Office of Administrative Hearings or on its website at https://www.oah.nc.gov/hearings-division/filing/hearing-forms. Additional specific instructions for filing a petition are set forth at 26 NCAC Chapter 03.

Service Instructions: A party filing a contested case is required to serve a copy of the petition, by any means authorized under 26 NCAC 03 .0102, on the process agent for the Department of Environmental Quality:

William F. Lane, General Counsel
North Carolina Department of Environmental Quality
1601 Mail Service Center
Raleigh, North Carolina 27699-1601

If the party filing the petition is a person aggrieved other than the permittee or permit applicant, the party **must also** serve the permittee in accordance with NCGS 150B-23(a).

* * *

Be aware that other rules or laws may apply to the filing of a petition for a contested case. Additional information is available at https://www.oah.nc.gov/hearings-division/hearing-process/filing-contested-case. Please contact the Office of Administrative Hearings at (984) 236-1850 or oah.postmaster@oah.nc.gov with all questions regarding the filing fee and/or the details of the filing process.