

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

In the Matter of a Closure Order for the            )  
Lammi Sand and Rock Products Surface        )       ORDER NO. 54-2005  
Mine (Operating Permit No. 05-0029)        )

WHEREAS, Lammi Sand and Rock Products was issued surface mining operating permit No. 05-0029 for the OK Creek Quarry located at 14141 Midland District Road, Clatskanie, Oregon, in 1982; and

WHEREAS, pursuant to Article VIII, Section 8.1 of the Surface Mining Ordinance, all surface mining in the county must be conducted in compliance with all applicable federal and state statutes, all county and local ordinances, and all applicable administrative rules including the rules and directives of the Department of Environmental Quality (DEQ); and

WHEREAS, pursuant to Article VIII, Section 8.8, all surface mining sites must be operated in a manner which meets current DEQ regulations with respect to water quality; and

WHEREAS, pursuant to Article VIII, Section 8.8, no landowner or operator shall cause contamination of groundwater or change a stream channel unless the channel change has previously been approved by all applicable state and federal agencies; and

WHEREAS, on July 20, 2004, Robert Crain, Columbia County Enforcement Officer, sent a notice of violation to George Lammi by certified mail, notifying him he is operating the surface mine in violation of Article VIII, Sections 8.1, 8.2, and the Columbia County Depletion Fee Ordinance; and

WHEREAS, on October 27, 2004, the Surface Mining Advisory Committee recommended that the Board of County Commissioners issue a Closure Order for the Sand and Rock Products OK Creek Quarry because the cited violations had not been corrected; and

WHEREAS, pursuant to Article IX, Section 9.6 of the Columbia County Surface Mining Ordinance, the Board of County Commissioners may issue a closure order when it finds that a landowner or operator is conducting surface mining that is in violation of any provision of the Surface Mining Ordinance, if the operator has failed to correct the violation within thirty (30) days of the mailing date or delivery of notice; and

WHEREAS, on May 13, 2005, notice was given to the property owner and adjacent property owners that the Board would hold a hearing on June 8, 2005, to consider the issuance of a closure order for the Lammi Sand and Rock Products' OK Creek Quarry; and

WHEREAS, on June 8, 2005, the Board of County Commissioners held a hearing in the matter, and

WHEREAS, during the hearing, the Board heard testimony and received evidence and closed the hearing and left the record open for additional written testimony until July 20, 2005, and continued the matter for deliberations to July 27, 2005; and

WHEREAS, on July 20, 2005, George Lammi submitted a letter requesting the Board to re-open the record in the matter; and

WHEREAS, on July 27, 2005, the Board of County Commissioners reconvened to deliberate in the matter and continued the matter to August 3, 2005; and

WHEREAS, on August 3, 2005, the Board of County Commissioners reconvened and voted to decline to re-open the record;

NOW, THEREFORE, IT IS HEREBY ORDERED AS FOLLOWS:


1. The Board of County Commissioners adopts the following findings of fact and conclusions of law:
  - A. After the hearing on June 8, 2005, Mr. Lammi paid all outstanding depletion fees with penalties and interest. Therefore, Mr. Lammi is no longer in violation of the Columbia County Depletion Fee Ordinance.
  - B. A NPDES Permit is required to legally operate the OK Creek Quarry Surface Mine. DEQ did not renew a NPDES permit for the surface mine because of on-going violations related to said permit.
  - C. Mr. Lammi has failed to renew the required NPDES permit and is therefore in violation of the Columbia County Surface Mining Ordinance, Article VIII, Sections 8.1 and 8.8.
  - D. The Board of County Commissioners may issue a closure order pursuant to the Columbia County Surface Mining Ordinance, Article IX, Section 9.6 due to Mr. Lammi's failure to correct the violations.
2. Lammi Sand and Rock Products shall cease and desist from conducting surface mining operations on the approximately 20 acre surface mining site known as OK Creek Quarry, located at 14141 Midland District Road, Clatskanie, Oregon.

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3. The closure period shall begin on August 12, 2005, and shall continue unless and until Lammi Sand and Rock Products can demonstrate that the Department of Environmental Quality has renewed the NPDES permit for the OK Creek Quarry, or has issued a new NPDES permit for the OK Creek Quarry, and the Board of County Commissioners enters an order lifting this closure order.

Dated this 10th day of August, 2005.

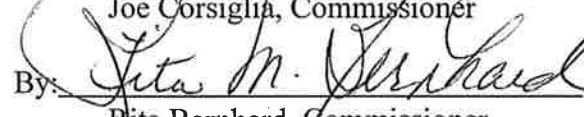
BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

By:   
Anthony Hyde, Chair

Approved as to form

By:   
Office of the County Counsel

By: not available  
Joe Corsiglia, Commissioner

By:   
Rita Bernhard, Commissioner