

SMining

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of Amending the)
Columbia County Surface Mining) ORDINANCE NO. 2001-4
Ordinance)
_____)

The Board of County Commissioners for Columbia County, Oregon, ordains as follows:

SECTION 1. TITLE.

This ordinance shall be known as Ordinance No. 2001-4.

SECTION 2. AUTHORITY.

This ordinance is adopted pursuant to the authority of ORS 203.035 and 517.780.

SECTION 3. PURPOSE.

The purpose of this ordinance is to amend the Columbia County Surface Mining Ordinance to extend the term for operating permits and Limited Exemption Certificates.

SECTION 4. AMENDMENTS.

Sections 4.5, 5.2 and 5.5 of the Columbia County Surface Mining Ordinance are amended as follows:

Section 4.5. Renewals.

Each Prior to the 2001-2002 fiscal year, each Limited Exemption Certificate for surface mining shall expire on June 30 of each fiscal year. Except as expressly provided below, no surface mining shall continue on the surface mining site until the certificate has been renewed. The landowner or operator must renew the certificate annually in the same manner as an operating permit. As a courtesy the Administrator may, but is not required to, notify the landowner or operator that the certificate is due for renewal by mailing the necessary renewal forms and fee schedule ~~on or before~~ by June 1 of each year prior to the renewal date. The landowner or operator must pay the established annual renewal fee and file the renewal application on or before June 15 of the year the certificate expires. The renewal application shall require a statement from the landowner

or operator of the types and amounts of minerals excavated, disturbed, sold and/or removed from the surface mining site during the past and present fiscal years and the types and amounts of minerals expected to be excavated, disturbed, sold and/or removed from the surface mining site during the present and subsequent fiscal years. The Administrator may request information to determine continued eligibility. The final decision on renewal will be made by the Board. Unless a closure order is in effect, surface mining may continue during renewal application processing until renewal is granted or, in the case of denial, for sixty (60) days after the denial. If the Board denies the renewal application, the landowner or operator must obtain an operating permit before continuing the surface mining beyond sixty (60) days after the denial. If the application or renewal of a certificate is denied by the Board, the landowner or operator may also request an appeal hearing before the Board pursuant to Section 2.4 of this ordinance.

Renewals of Limited Exemption Certificates for the fiscal year 2001-2002 and beyond shall be for five-year periods and shall expire on June 30 of the fifth fiscal year after renewal. Except as expressly provided below, no surface mining shall continue on the surface mining site until the certificate has been renewed. The landowner or operator must renew the certificate in the same manner as an operating permit. As a courtesy the Administrator may, but is not required to, notify the landowner or operator that the certificate is due for renewal by mailing the necessary renewal forms and fee schedule on or before June 1 of the fifth year, prior to the renewal date. The landowner or operator must pay the established renewal fee and file the renewal application on or before June 15 of the year the certificate expires. The renewal application shall require a statement from the landowner or operator of the types and amounts of minerals excavated, disturbed, sold and/or removed from the surface mining site during the past and present fiscal years and the types and amounts of minerals expected to be excavated, disturbed, sold and/or removed from the surface mining site during the present and subsequent fiscal years. The Administrator may request information to determine continued eligibility. The final decision on renewal will be made by the Board. Unless a closure order is in effect, surface mining may continue during renewal application processing until renewal is granted or, in the case of denial, for sixty

(60) days after the denial. If the Board denies the renewal application, the landowner or operator must obtain an operating permit before continuing the surface mining beyond sixty (60) days after the denial. If the application or renewal of a certificate is denied by the Board, the landowner or operator may also request an appeal hearing before the Board pursuant to Section 2.4 of this ordinance.

Section 5.2. Permit, Certificate and Inspection Fees.

(1) Each application for a new operating permit or Limited Exemption Certificate shall be accompanied by an application fee in ~~the amount of \$500. an amount set by order or resolution of the Board of County Commissioners.~~ ~~Annually, each~~ Each application for renewal of an operating permit or Limited Exemption Certificate shall be accompanied by a renewal fee in ~~the amount of \$300. an amount set by order or resolution of the Board of County Commissioners.~~ The Administrator shall also charge ~~\$100~~ an amount set by order or resolution of the Board of County Commissioners for inspections made at sites:

- (a) Where surface mining was conducted without the permit or certificate required by this ordinance;
- (b) Where surface mining has been abandoned; or
- (c) Where surface mining was conducted in an area not described in the permit or certificate.

(2) Permit, certificate and inspection fees are not refundable. ~~In order to bring uniformity to the issuance of operating permits or Limited Exemption Certificates, henceforth all operating permits and Limited Exemption Certificates shall expire on June 30 of each fiscal year.~~ The holder of an operating permit or Limited Exemption Certificate must pay all fees in arrears, including **regulatory and depletion fees, and any accrued interest,** before a new permit or certificate may be issued.

Section 5.5. Renewals.

~~Each~~ Prior to the 2001-2002 fiscal year, each operating permit for surface mining shall expire on June 30 of each **fiscal** year. Except as expressly provided ~~below herein~~, no surface mining shall continue on the surface mining site until the permit has been renewed. The landowner or operator must renew the permit annually.

As a courtesy the Administrator may, but is not required to, notify the landowner or operator that the certificate is due for renewal by mailing the necessary renewal forms and fee schedule by June 1 of each year prior to the renewal date. The landowner or operator must pay the established annual renewal fee and file the renewal application on or before June 15 of the year the permit expires. The renewal application shall require a statement from the landowner or operator of the types and amounts of minerals excavated, disturbed, sold and/or removed from the surface mining site during the past and present fiscal years and the types and amounts of minerals expected to be excavated, disturbed, sold and/or removed from the surface mining site during the present and subsequent fiscal years. If there is a change in the surface mining activities and/or reclamation plan, the application shall describe the changes. Any changes are to be acknowledged in writing by the landowner and operator. The Administrator may request information to determine continued compliance with this ordinance. The renewal may be granted annually so long as the landowner or operator maintains the necessary financial security and complies with the conditions of the permit, the reclamation plan, and with this ordinance. The final decision on renewal will be made by the Board. The Administrator and Board shall investigate and may consider any prior statutory, administrative rule and/or county ordinance violations by the landowner and/or operator related to surface mining in determining whether an operating permit should be renewed. Unless a closure order is in effect, surface mining may continue during renewal application processing until renewal is granted or, in the case of denial, for sixty (60) days after the denial. If the application or renewal of an operating permit is denied by the Board, the landowner or operator may also request an appeal hearing before the Board pursuant to Section 2.4 of this ordinance.

Renewals of operating permits for the fiscal year 2001-2002 and beyond shall be for five-year periods and shall expire on June 30 of the fifth fiscal year after renewal. Except as expressly provided below, no surface mining shall continue on the surface mining site until the permit has been renewed. As a courtesy the Administrator may, but is not required to, notify the landowner or operator that the certificate is due for renewal by mailing the necessary renewal forms and fee schedule on or before by June 1 of the fifth year, prior to the renewal date. The landowner or operator must pay

the established renewal fee and file the renewal application on or before June 15 of the year the permit expires. The renewal application shall require a statement from the landowner or operator of the types and amounts of minerals excavated, disturbed, sold and/or removed from the surface mining site during the past and present fiscal years and the types and amounts of minerals expected to be excavated, disturbed, sold and/or removed from the surface mining site during the present and subsequent fiscal years. If there is a change in the surface mining activities and/or reclamation plan, the application shall describe the changes. Any changes are to be acknowledged in writing by the landowner and operator. The Administrator may request information to determine continued compliance with this ordinance. The renewal may be granted so long as the landowner or operator maintains the necessary financial security and complies with the conditions of the permit, the reclamation plan, and with this ordinance. The final decision on renewal will be made by the Board. The Administrator and Board shall investigate and may consider any prior statutory, administrative rule and/or county ordinance violations by the landowner and/or operator related to surface mining in determining whether an operating permit should be renewed. Unless a closure order is in effect, surface mining may continue during renewal application processing until renewal is granted or, in the case of denial, for sixty (60) days after the denial. If the application or renewal of an operating permit is denied by the Board, the landowner or operator may also request an appeal hearing before the Board pursuant to Section 2.4 of this ordinance.

SECTION 5. SEVERABILITY.

The provisions of this ordinance are severable. If any provision of this ordinance is determined to be invalid by a court of competent jurisdiction, such provision shall be considered a separate, distinct and independent provision and the decision shall not affect the validity of the remaining portions hereof.

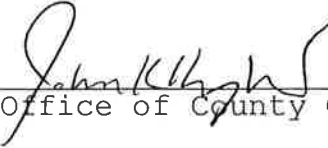
SECTION 6. EMERGENCY CLAUSE.


This ordinance being immediately necessary for the public health, safety and welfare of the citizens of Columbia County, an emergency is declared to exist and this ordinance shall take effect immediately upon its passage.

DATED this 14th day of March, 2001.

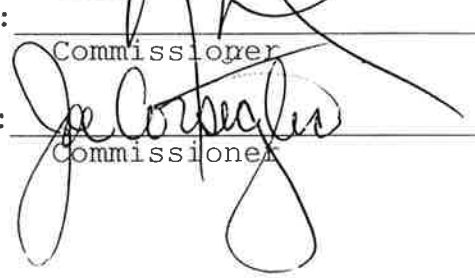

Approved as to form

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: 
Office of County Counsel

By: 
Chair

Attest:
By: 
Recording Secretary

By: 
Commissioner
By: 
Commissioner

First Reading: March 14, 2001
Second Reading: March 14, 2001
Effective Date: March 14, 2001