

FOR COLUMBIA COUNTY, OREGON

In the Matter of Amending the)
Columbia County Surface Mining) ORDINANCE NO. 96-1
Ordinance)
)

<u>SECTION 1.</u>	<u>TITLE.</u>
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SECTION 2. AUTHORITY.

SECTION 3. PURPOSE.

SECTION 4. AMENDMENT.

Section 2.8 Emergencies.

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the following conditions:

- (1) Before any surface mining may begin, the landowner or operator shall apply for an operating permit as provided by Section 5.1 below. The application shall be accompanied by the application fee as provided by Section 5.2 below. In addition, the application shall be accompanied by financial security in the form of a surety bond or security deposit in the amount of \$10,000.00 to secure compliance with this ordinance including payment of regulatory fees, compliance with the Depletion Fee Ordinance, and to cover the cost of reclamation of the surface mine. Notwithstanding the absence of some of the information required by Section 5.3 below, the Administrator may recommend and the Board may grant, in their sole discretion, an emergency operating permit allowing immediate operation of the surface mine as necessary to respond to the emergency.
- (2) An emergency operating permit issued under the terms of this section shall expire in sixty (60) days. The Board may extend the expiration date as necessary to process the permit application. The Administrator may recommend, and the Board may impose, conditions on the emergency operating permit which, in their sole discretion, reasonably balances the demands of the emergency with the purposes of this ordinance.
- (3) Before the expiration date of the emergency operating permit, the landowner or operator shall supply such additional information as is required by Section 5.3 in order for the application for an operating permit to be processed as provided by Section 5.4 below.
- (4) If an operating permit is issued and a reclamation plan is approved as provided by Section 5.4, and financial security is provided by Section 7.1, the Board shall release the \$10,000.00 surety bond or security deposit to the landowner or operator. Otherwise the County shall retain the surety bond

or security deposit, or so much of it is necessary to secure compliance with this ordinance including payment of regulatory fees, compliance with the Depletion Fee Ordinance, and to cover the cost of reclamation of the surface mine.

- (5) In the absence or other incapacity of the Administrator, the Board may act on its own to accomplish the purposes of this section.

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 on February 23, 1996.

DATED this 23rd day of February, 1996.

Approved as to form

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: John K. King
Office of County Counsel

By: William B. Anderson
Chair

Attest:

By: Carole M. Smith
Commissioner

By: Jan Suenkel
Recording Secretary

By: Joel L. Gabor
Commissioner

First Reading: February 23, 1996

Second Reading: February 23, 1996

Effective Date: February 23, 1996