

OAR 632-030-0061

Repeal of the Columbia County Surface Mining Ordinance

- (1) This rule implements the changes made to ORS 517.770, 517.775, and 517.780 by 2009 Enrolled SB 191. This rule provides for transfer of the regulation of mining operations from Columbia County to the Department upon repeal of the Columbia County Surface Mining Ordinance.
- (2) Within fourteen days after the effective date of this rule, the Department, with the cooperation and assistance of Columbia County, will notify any person with mining operations subject to a Columbia County operating permit that the County has repealed its surface mining ordinance effective September 1, 2009, and that, after that date, regulation of mining in the County will be subject to the Mined Land Reclamation Act and the Board's rules implementing the Act.
- (3) Within thirty days after receiving notice from the Department, any person subject to a County operating permit must:
 - (a) Revise the person's existing surety bond to add the Department as an obligee under the bond and provide the Department with a copy of the revised bond;
 - (b) Revise the person's existing surety bond to substitute the Department for the County as the obligee under the bond and provide the Department with a copy of the revised bond;
 - (c) Transfer any existing assignment of deposit held by Columbia County as financial security for an operating permit to the Department; or
 - (d) Secure a new surety bond on a form approved by the Department in the same amount as the existing surety bond or alternative form of financial security required by the County.
- (4) Within 60 days after the effective date of the repeal of the Columbia County surface mining ordinance, a person operating under a County operating permit must submit a complete application for a new operating permit to the Department as provided in OAR 632-030-0020, or the person may apply to the Department to terminate mining operations in accordance with the reclamation plan authorized in the County permit. The application for a new operating permit must comply with OAR 632-030-0015 and include all applicable fees. The Department may reject any incomplete application.
- (5) The Department will determine whether it will allow mining operations to continue on an interim basis for a period not to exceed one year under the Columbia County permit while the new permit application with the Department is pending or whether it will require operations to be terminated and reclaimed under the County operating permit and reclamation plan. The Department will notify the permit applicant of the Department's decision. The Department will not allow a mining operation that is subject to a County closure or suspension order on the effective date of the repeal of the County's Surface Mining Ordinance to operate on an interim basis while a new permit application is being processed. Any such operation must be terminated and reclaimed.
- (6) If the Department allows mining to continue on an interim basis under the Columbia County operating permit, the Department will review the application, mining plan, existing reclamation plan, and the conditions in the County operating permit. The Department will also review the amount of the bond or alternative form of financial security required by the County. The Department may require the amount of the bond or alternative form of financial security to be increased as a condition for interim operation under the County permit.
- (7) The Department will issue a new operating permit or deny the application for a new permit within 12 months after receiving a complete application as provided in subsection (4) of this rule.
- (8) Within 90 days after the effective date of the repeal of the Columbia County Surface Mining Ordinance, any person operating under a County certificate of limited exemption must submit a complete application to the Department to transfer the limited exemption to the Department. The application must be submitted on a form approved by the Department and must include an aerial map showing the exemption boundaries, appropriate fees, and a proposed erosion control plan. The Department will review the application and erosion control plan and may require the applicant to submit additional information or revisions to the erosion control plan. Within 90 days after receiving the application, the Department will approve or disapprove the application for a limited exemption. If the Department fails to act on the application within 90 days after receiving the application, the application will be deemed to be approved.