

REVENUE: No revenue impact

FISCAL: No fiscal impact

Action:	Do Pass and Be Placed on the Consent Calendar
Vote:	7 - 0 - 0
Yeas:	Boquist, Clem, Dingfelder, Macpherson, Maurer, Smith P., Roblan
Nays:	0
Exc.:	0
Prepared By:	Beth Patrino, Administrator
Meeting Dates:	5/10

WHAT THE MEASURE DOES: Modifies statutes relating to mine reclamation. Revises definitions and establishes when the Department of Geology and Mineral Industries may revoke, terminate or refuse to renew a permit. Specifies when the department may modify an operating permit or reclamation plan. Creates crime of knowingly or recklessly causing substantial harm to human health or the environment. Sets maximum punishment of \$10,000.

ISSUES DISCUSSED:

- Existing enforcement tools in the mined land reclamation program
- Need for clarification of statutory authority

EFFECT OF COMMITTEE AMENDMENT: No amendment.

BACKGROUND: The Department of Geology and Mineral Industries (DOGAMI) has regulated mining operations in Oregon since 1972. Mining permits are issued for the marketable life of a mine. Under DOGAMI's current field-based inspection program, over 1,500 mining inspections are conducted each biennium throughout the state. In most cases identified problems are corrected voluntarily. Recent experience with contested cases led the department to examine its statutes and propose revisions to clarify and strengthen their regulatory role.

Senate Bill 149-A establishes conditions when the department may revoke, terminate or refuse to renew a permit and the conditions under which an operator may resume permitted activities. The measure allows the department to recover against a bond and reclaim areas affected by surface mining. The department may also set rules for the transfer of an unspent mine. The measure sets conditions when the department may modify an operating permit or a reclamation plan without the consent of the operator. A person who knowingly or recklessly causes substantial harm to human health or the environment is subject to a fine of not more than \$10,000.