

## SENATE AMENDMENTS TO SENATE BILL 149

By COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

April 5

- 1 On page 1 of the printed bill, line 7, delete “and 4” and insert “, 4 and 4a”.
- 2 In line 27, delete “and”.
- 3 In line 28, delete the period and insert “; and
- 4 “(c) Remove any excavated materials from buffers, setbacks or other areas not approved for
- 5 disturbance and restore the areas to the approximate pre-mining contours with materials approved
- 6 by the department.”.
- 7 On page 2, after line 38, insert:
- 8 **“SECTION 4a. (1)(a) The governing board of the State Department of Geology and Min-**
- 9 **eral Industries may adopt rules requiring the surveying or marking of surface mining oper-**
- 10 **ations.**
- 11 **“(b) The rules may include, but are not limited to, requirements for maps or diagrams**
- 12 **showing areas excavated or approved for excavation, setbacks or buffers established by the**
- 13 **operating permit and the location of buildings, wells, ponds, haul roads, stockpiles, bodies of**
- 14 **water and floodways.**
- 15 **“(c) The rules may require that information required under this subsection be updated**
- 16 **if the mining operations are subject to:**
- 17 **“(A) A notice of violation under ORS 517.860;**
- 18 **“(B) A suspension order under ORS 517.880; or**
- 19 **“(C) A significant modification of the operating permit or reclamation plan under section**
- 20 **4 of this 2007 Act.**
- 21 **“(d) The rules may exempt mining operations from survey or marking requirements**
- 22 **based on the size or location of the operations or on the distance of the operations from**
- 23 **ground and surface waters.**
- 24 **“(e) The rules must allow for reasonable compliance schedules for existing mining oper-**
- 25 **ations.**
- 26 **“(2) The governing board may adopt rules requiring surface mining operators to collect**
- 27 **and report information relating to amount and nature of materials excavated or processed**
- 28 **at a surface mining operation and the impacts of mining operations on ground or surface**
- 29 **water.”.**
- 30 On page 4, line 21, after “operations” delete the rest of the line and lines 22 through 24 and
- 31 insert “reasonably necessary for farming;”.
- 32 On page 5, line 44, after “railroads” delete “and” and insert a comma and after “facilities” insert
- 33 “, wells, irrigation ditches, ponds, stockpiles, buffers, setbacks and excavation boundaries”.
- 34 In line 45, after “be” insert “protected or”.
- 35 On page 6, line 12, after “may” delete the rest of the line and lines 13 and 14 and insert “waive

1 the requirement for preparation and approval of a reclamation plan if:  
2       “(a) The operation is conducted as part of the on-site construction of a building, public works  
3 project or other physical improvement of the subject property;  
4       “(b) The operation is reasonably necessary for such construction; and  
5       “(c) The proposed improvements are authorized by the local jurisdiction with land use  
6 authority.”.

7       In line 15, delete “a” and insert “the owner or owners of the surface and mineral interests of  
8 the lands included within the surface mining area”.

9       In line 16, delete “landowner that will be affected by the operation”.

10       In line 17, delete “landowner” and insert “owner or owners of all surface and mineral interests  
11 of the lands included within the surface mining area”.

12       On page 10, line 15, after “time” insert “not to exceed one year”.

13       In line 31, after the period insert “Failure to comply includes, but is not limited to, disturbing  
14 land within the permit boundary that has not been approved by the department for excavation,  
15 placement of debris or removal of vegetation.”.

16       In line 35, after “operation” insert “, including the restoration of buffers, setbacks or other  
17 areas not approved for disturbance”.

18       On page 11, line 3, delete “Class A misdemeanor” and insert “violation subject to a fine of not  
19 more than \$10,000”.

20       In line 5, delete “for which a permit is” and insert “without a valid operating permit as”.

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