

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action: Do Pass as Amended and Be Printed Engrossed

Vote: 5 - 0 - 0

Yeas: Atkinson, Boquist, Hass, Prozanski, Dingfelder

Nays: 0

Exc.: 0

Prepared By: Beth Herzog, Administrator

Meeting Dates: 2/17, 3/24

WHAT THE MEASURE DOES: Adds exemption from surface mining reclamation requirements for lands within the surfaces and contours of surface mines in existence on July 1, 1972, if they meet certain requirements. Requires that the exempted surface mining operations were operating under a valid county certificate of exemption at the time that a county zoning law or ordinance was repealed. Requires that, within 90 days of a county zoning law or ordinance repeal taking effect, the landowner apply for a certificate of exemption. Requires that if the Department of Geology and Mineral Industries does not act on the application within 90 days of it being filed it is automatically approved. Requires the landowner of a mining operation that is exempt from reclamation complete erosion stabilization upon completion of mining.

Authorizes the department to allow a surface mining operation that held a valid county operating permit and reclamation plan to continue for no more than one year, as long as the operator applies for a permit within 60 days of a zoning ordinance repeal becoming effective. Requires that the operator pay necessary fees and submit a bond or security to the department. Authorizes the department to incorporate any provisions from the county operating permit into the new permit as long as it adequately protects the public health, safety, and welfare of the environment.

Declares an emergency, effective on passage.

ISSUES DISCUSSED:

- Columbia County repealing their zoning ordinance in an attempt to streamline the program
- Litigation if legislation is not passed
- Columbia County suspension of zoning ordinance pending Senate Bill 191A passage

EFFECT OF COMMITTEE AMENDMENT: Requires that the application for a certificate of exemption be filed with the department within 90 days of the county's repeal of zoning law or ordinances taking effect. Requires that if the department does not approve or disapprove of the application within 90 days of it being filed it is automatically deemed approved.

BACKGROUND: In July of 1972, the Mined Land Reclamation Act (MLR) became law. Prior to the MLR taking effect, Columbia County passed a surface mining ordinance and was grandfathered out of the MLR. Columbia County is currently the only county to have a surface mining operating permit program. In 2004, Columbia County began contracting with the Department of Geology and Mineral Industries to administer their county operating permit program. Columbia County recently approached the department and expressed their desire to repeal their surface mining operating permit program and turn jurisdiction over to the department. The department requested this legislation as a way to transition the Columbia County surface mining requirements over to the department.

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This summary has not been adopted or officially endorsed by action of the committee.