

**PROPOSED AMENDMENTS TO  
A-ENGROSSED HOUSE BILL 2841**

1 On page 1 of the printed A-engrossed bill, delete lines 4 through 25 and  
2 delete pages 2 and 3 and insert:

3 **“SECTION 1.** ORS 517.125 is amended to read:

4 *“517.125. [Any rule pertaining to recreational or small scale mining adopted*  
5 *after June 28, 1999, shall be adopted in consultation with affected parties.]*

6 **“(1) As used in this section, ‘agency’ has the meaning given that**  
7 **term in ORS 183.310.**

8 **“(2)(a) In order to clarify issues, to promote the exchange of infor-**  
9 **mation and to attempt to resolve disputes between agencies and per-**  
10 **sons that engage in recreational or small scale mining, an agency**  
11 **shall, at least 30 days before giving notice of its intended action pur-**  
12 **suant to ORS 183.335 to adopt, amend or repeal any rule pertaining to**  
13 **recreational or small scale mining:**

14 **“(A) Make reasonable efforts to notify persons likely to undertake**  
15 **mining subject to the rule in order to conduct a consultation with the**  
16 **persons regarding the agency’s intended action. The consultation must**  
17 **include:**

18 **“(i) Two or more meetings to discuss the intended action; and**

19 **“(ii) A written response by the agency, issued before giving notice**  
20 **under ORS 183.335, that addresses comments related to the intended**  
21 **action raised by the persons that participated in the consultation.**

22 **“(B) Consider all reasonably available and relevant scientific studies**

1 that were identified by persons that participated in the consultation  
2 and document the agency's consideration of these studies in the re-  
3 cord.

4 “(b) A person may provide the agency with a list of persons likely  
5 to be subject to a rule described in paragraph (a) of this subsection.  
6 If a person provides the agency with a list described in this paragraph,  
7 the agency shall notify the persons regarding the consultation.

8 “(c) At the time the agency notifies persons under paragraph (a)  
9 of this subsection, the agency shall, to the greatest extent practicable,  
10 provide the persons with a description of the agency's proposed action.

11 “(3)(a) In order to clarify issues, to promote the exchange of infor-  
12 mation and to attempt to resolve disputes between agencies and per-  
13 sons that engage in recreational or small scale mining, an agency  
14 shall, at least 30 days before giving notice of its intended action pur-  
15 suant to ORS 183.335 to issue a general permit pertaining to recre-  
16 ational or small scale mining by order pursuant to ORS 468B.050:

17 “(A) Make reasonable efforts to notify persons likely to undertake  
18 mining subject to the order in order to conduct a consultation with  
19 the persons regarding the agency's intended action. The consultation  
20 must include:

21 “(i) Two or more meetings to discuss the intended action; and

22 “(ii) A written response by the agency, issued before giving notice  
23 under ORS 183.335, that addresses comments related to the intended  
24 action raised by the persons that participated in the consultation.

25 “(B) Consider all reasonably available and relevant scientific studies  
26 that were identified by persons that participated in the consultation  
27 and document the agency's consideration of these studies in the re-  
28 cord.

29 “(b) A person may provide the agency with a list of persons likely  
30 to be subject to the order described in paragraph (a) of this subsection.

1 **If a person provides the agency with a list described in this paragraph,**  
2 **the agency shall notify the persons regarding the consultation.**

3 **“(c) At the time the agency notifies persons under paragraph (a)**  
4 **of this subsection, the agency shall, to the greatest extent practicable,**  
5 **provide the persons with a description of the agency’s proposed action.**

6 **“SECTION 2.** ORS 468B.050 is amended to read:

7 “468B.050. (1) Except as provided in ORS 468B.053 or 468B.215, without  
8 holding a permit from the Director of the Department of Environmental  
9 Quality or the State Department of Agriculture, which permit shall specify  
10 applicable effluent limitations, a person may not:

11 “(a) Discharge any wastes into the waters of the state from any industrial  
12 or commercial establishment or activity or any disposal system.

13 “(b) Construct, install, modify or operate any disposal system or part  
14 thereof or any extension or addition thereto.

15 “(c) Increase in volume or strength any wastes in excess of the permissive  
16 discharges specified under an existing permit.

17 “(d) Construct, install, operate or conduct any industrial, commercial,  
18 confined animal feeding operation or other establishment or activity or any  
19 extension or modification thereof or addition thereto, the operation or con-  
20 duct of which would cause an increase in the discharge of wastes into the  
21 waters of the state or which would otherwise alter the physical, chemical  
22 or biological properties of any waters of the state in any manner not already  
23 lawfully authorized.

24 “(e) Construct or use any new outlet for the discharge of any wastes into  
25 the waters of the state.

26 “(2)(a) The Department of Environmental Quality or the State Depart-  
27 ment of Agriculture may issue a permit under this section as an individual,  
28 general or watershed permit. A permit may be issued to a class of persons  
29 using the procedures for issuance of an order or for the adoption of a rule.  
30 Notwithstanding the definition of ‘order’ or ‘rule’ provided in ORS 183.310,

1 in issuing a general or watershed permit by order pursuant to this section,  
2 the State Department of Agriculture or Department of Environmental Qual-  
3 ity:

4 “[a)] (A) Is not required to direct the order to a named person or named  
5 persons; and

6 “[b)] (B) May include in the order agency directives, standards, regu-  
7 lations and statements of general applicability that implement, interpret or  
8 prescribe law or policy.

9 **“(b)(A) Any rules adopted, amended or repealed under this sub-**  
10 **section pertaining to recreational or small scale mining are subject to**  
11 **the requirements set forth in ORS 517.125 (2).**

12 **“(B) Any orders issued under this subsection pertaining to recre-**  
13 **ational or small scale mining are subject to the requirements set forth**  
14 **in ORS 517.125 (3).**

15 “(3) The State Department of Agriculture or the Department of Environ-  
16 mental Quality may define ‘confined animal feeding operation’ by rule for  
17 purposes of implementing this section.

18 **“SECTION 3. (1) The amendments to ORS 517.125 by section 1 of this**  
19 **2013 Act do not apply to:**

20 **“(a) Any rules for which notices of intended action were given un-**  
21 **der ORS 183.335 before the effective date of this 2013 Act.**

22 **“(b) Any orders described in ORS 468B.050 (2) that were issued by**  
23 **the Department of Environmental Quality or the State Department**  
24 **of Agriculture before the effective date of this 2013 Act.**

25 **“(2) The amendments to ORS 468B.050 by section 2 of this 2013 Act**  
26 **do not apply to:**

27 **“(a) Any rules for which notices of intended action were given un-**  
28 **der ORS 183.335 before the effective date of this 2013 Act.**

29 **“(b) Any orders the Department of Environmental Quality or the**  
30 **State Department of Agriculture issued before the effective date of**

1 **this 2013 Act.”.**

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