

SENATE AMENDMENTS TO SENATE BILL 361

By COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES

April 24

1 On page 1 of the printed bill, delete line 3 and insert “amending ORS 517.830.”
2 Delete lines 5 through 30 and delete pages 2 and 3 and insert:
3 “**SECTION 1.** ORS 517.830 is amended to read:
4 “517.830. (1) Upon receipt of an application for an operating permit, the State Department of
5 Geology and Mineral Industries shall:
6 “(a) Inspect the operating site described in the application[.]; and
7 “(b) **Provide notice to the local jurisdiction and an opportunity for the local jurisdiction**
8 **to, within 30 days after the date of the notice, request that the department delay a decision**
9 **on an operating permit and reclamation plan as provided in subsection (4) of this section.**
10 “(2) Within 90 days after the date that the application and the required permit fee are received,
11 the department shall issue the operating permit applied for or, if it considers the application in-
12 complete, return the application to the applicant for correction of the deficiencies indicated by the
13 department.
14 “[2] (3) Failure by the department to act upon the reclamation plan submitted with an appli-
15 cation for an operating permit within the 90-day period referred to in subsection [(1)] (2) of this
16 section is not a denial by the department of the operating permit applied for. The department,
17 pending final approval of a reclamation plan, may issue a provisional permit subject to reasonable
18 limitations that may be prescribed by the department and conditioned upon the applicant’s compli-
19 ance with the bond and security requirements established by ORS 517.810.
20 “[3)(a)] (4)(a) Notwithstanding subsections [(1) and (2)] (2) and (3) of this section, if an appli-
21 cation involves an aggregate site that requires a permit issued pursuant to ORS 215.427 or 227.178,
22 and if the local jurisdiction requests that the application not be decided until the local jurisdiction
23 has taken final action, the department shall make a final decision on the operating permit and rec-
24 lamation plan no later than 165 days after the date a complete land use application is submitted to
25 the local jurisdiction, unless the applicant agrees to allow additional time under ORS 215.427,
26 215.429, 227.178 or 227.179. If a plan amendment is required as part of issuance of a permit, the
27 provisions of paragraph (b) of this subsection apply. The department may not approve an operating
28 permit and reclamation plan if the land use application is denied.
29 “(b) Notwithstanding subsections [(1) and (2)] (2) and (3) of this section, if an application in-
30 volves an aggregate site that requires amendment to a comprehensive plan, as defined in ORS
31 197.015, and if the local jurisdiction requests that the application not be decided until the local ju-
32 risdiction has taken final action on the plan amendment, the department may not make a final de-
33 cision on the operating permit and reclamation plan until the local jurisdiction has taken final
34 action on the plan amendment. The department shall make its final decision within 45 days of the
35 date that the local jurisdiction has taken final action on the plan amendment. The department may

1 not approve an operating permit and reclamation plan if the plan amendment is denied.

2 “[~~(4)~~] **(5)** Conditions and requirements imposed on an operating permit and reclamation plan, and
3 modifications thereto, issued subsequent to issuance of a local jurisdiction permit shall be compat-
4 ible with the requirements and conditions of the local government permit, unless more stringent
5 requirements are necessary to comply with the provisions of ORS 517.750 to 517.901.

6 “[~~(5)~~] *If a local jurisdiction does not request that the department delay a decision on an operating*
7 *permit and reclamation plan as provided in subsection (3) of this section, the department shall:]*

8 “[~~(a)~~] *give the local jurisdiction the opportunity to review and comment on the application; and]*

9 “[~~(b)~~] *notify the local jurisdiction of the decision and requirements and conditions imposed by the*
10 *department.]*

11 “**(6)(a) If a local jurisdiction does not request that the department delay a decision on an**
12 **operating permit and reclamation plan as provided in subsections (1)(b) and (4) of this sec-**
13 **tion, the department shall, prior to issuing the operating permit, give the local jurisdiction**
14 **notice and an opportunity to provide comments and the following information about the**
15 **proposed operating permit and reclamation plan:**

16 “**(A) Information about any applicable local land use regulations;**

17 “**(B) Whether the site described in the proposed operating permit and reclamation plan**
18 **is included on a local government inventory required by any open spaces, scenic and historic**
19 **areas and natural resources land use planning goal;**

20 “**(C) A statement that an application has or has not been filed for local approval; and**

21 “**(D) Any other information that the local jurisdiction considers pertinent in its review**
22 **of the application.**

23 “**(b) A local jurisdiction shall respond to a notice provided under paragraph (a) of this**
24 **subsection within 35 days after the date of the notice.**

25 “[~~(6)~~] **(7)** If the department refuses to approve a submitted reclamation plan, it shall notify the
26 applicant, in writing, of its reasons for the refusal to approve the reclamation plan, including addi-
27 tional requirements as may be prescribed by the department for inclusion in the reclamation plan.
28 Within 60 days after the receipt of the notice, the applicant shall comply with the additional re-
29 quirements prescribed by the department for the reclamation plan or file with the department a
30 notice of appeal from the decision of the department with respect to the reclamation plan. If a notice
31 of appeal is filed with the department by the applicant, the department may issue a provisional
32 permit to the applicant.

33 “[~~(7)~~] **(8)** If an application is submitted as part of the consolidated application process under
34 ORS 517.952 to 517.989, review of the application and approval or denial of the application shall be
35 in accordance with ORS 517.952 to 517.989. However, the review and approval or denial shall take
36 into consideration all policy considerations for issuing a permit under ORS 517.702 to 517.989.

37 “**SECTION 2. The amendments to ORS 517.830 by section 1 of this 2015 Act apply to op-**
38 **erating permits applied for under ORS 517.790 on or after the effective date of this 2015**
39 **Act.”.**